From a Letter to Governor Thye:

"Postal is no more guilty of embezzlement than other CIO officials who transferred funds from one federation to another at the direction of their membership.

"We believe that keeping Postal in prison any longer constitutes a grave injustice against him. . . .

"We urge you to give most serious consideration to an immediate and unconditional pardon."

Roger Baldwin
Director, American Civil Liberties Union

Alfred Baker Lewis
Chairman, League for Industrial Democracy

A. J. Muste
Secretary, Fellowship of Reconciliation

Norman Thomas
Chairman, Post War World Council

Oswald Garrison Villard
Noted Writer.

I WANT TO FIGHT THIS FRAME-UP

DR. GEORGE S. COUNTS, *Treasurer*
WORKERS DEFENSE LEAGUE
112 E. 19th St., N. Y. 3, N. Y.

I want to help free KELLY POSTAL. Here is my contribution of $.....

Name .....

Address .....

City and State .....

☐ I am wiring or writing to Gov. Edward J. Thye, St. Paul, Minn., asking him to pardon Kelly Postal.

5 YEARS IN JAIL ON A FRAME-UP

KELLY POSTAL
Secretary-Treasurer of
Minneapolis Teamsters
Local 544—CIO

Why YOU must help the fight to free KELLY POSTAL now serving 5 years in jail for his loyalty to trade union democracy

Louis M. Hall Judge

State of Minnesota vs. Kelly Postal

Gilbert Carlson & J. Shama for defense

K. Thomas

was a general meeting held, where the members were notified of the purpose of the meeting?

A. Yes, election meetings.

Q. Outside of that, have you?

A. I don't believe so, Mr. Compton, that I can recall.

Q. Let me ask you this, Miles—Why, when you members of the Executive Board knew that there was a movement on and had voted to present a resolution to secede, why didn't you send out a notice to the members that such a resolution was to be introduced, a motion introduced, at a special meeting, so as to give them all a chance to be there and vote on it?

A. The third floor would be packed after 4 o'clock, the same afternoon.

Q. You wanted to rush it through, is that it?

A. Oh, no.

Mr. Compton: That is all.

By Mr. Shama:

Q. Had the Executive Board taken up the matter of offering a resolution to disaffiliate, prior to 3 or 4 o'clock of the afternoon of June 9th?

A. It was before 4 o'clock, because I wrote the resolutions about 4 o'clock.

Q. I mean that day?

A. No.

Q. That was the first time the Executive Board had taken that matter up, is that correct?

A. That is right.

Q. You wrote the resolutions about 4 o'clock the afternoon of June 9th?

A. That is right.

Q. The meeting was at 8 o'clock that same evening?

A. Yes.

Mr. Shama: That is all.

By Mr. Compton:

Q. Farrell Dobbs just happened to be there?

A. Better ask him that, I don't know.

(Recess.)

KELLY POSTAL,

sworn in his own behalf, testified:

DIRECT EXAMINATION.

By Mr. Shama:

Q. Mr. Postal, you are the defendant in this case?

A. I am.

Q. How old a man are you?

A. Forty-five, born in 1896.

Q. How much schooling or education did you have?

A. Second grade public schools.

Q. Here in this state?

A. No, Beulah Junction, Illinois.

Q. After you left school, I presume you went to work?

A. I did.

Q. What generally was the type of work

you did, after you started to earn your own way?

A. In the wintertime, I followed coal yards, either as laborer or driver, and for the last few years as foreman of coal yards, and in the summertime I generally played around railroads, in the maintenance department.

Q. You have been almost continually a resident of Minneapolis since 1934, is that correct?

A. Since 1919 or 1920.

Q. You have worked for various firms?

A. Yes.

Q. Coal companies in the city?

A. That is right.

Q. Just give us two or three.

A. Fuel Distributors, Berwind Coal.

Q. You are a married man, aren't you?

A. Yes.

Q. You were a member of Local 574, weren't you?

A. I was.

Q. When did you join 574?

A. I think it was October, 1933.

Q. You continued as a union member of 574 up through the time when it was ejected from the International?

A. I did.

Q. You remained as a member after the consolidation with Local 500?

A. Yes, after August, 1936, it became 544.

Q. In 1936, Local 574 and Local 500 were

consolidated and formed what is known as Local 544?

A. That is correct.

Q. And 544 was a local in the International Teamsters?

A. It was.

Q. Now, were you an officer in 574?

A. No, an organizer.

Q. And after the formation of 544, were you an officer?

A. Not right immediately afterwards.

Q. But you were an organizer for 544?

A. That is right.

Q. And you continued as an organizer for how long?

A. Until in May, 1938, I am pretty sure.

Q. What office did you assume in May, 1938?

A. I was appointed by the Executive Board as a trustee, to fill Skoglund's unexpired term.

Q. And you continued as a trustee how long?

A. Well, I was re-elected — I was elected that election.

Q. The following election?

A. Yes, then I think it was—I am mistaken in the year, I think it was in 1939, when Farrell Dobbs went to the International, I was appointed secretary-treasurer by the board to fill his unexpired term.

Q. Then were you elected at the succeeding election?

A. In 1940 and 1941.

Q. Now, Mr. Postal, from what sources are the revenues, the moneys of the union, derived?

A. Initiation fees, reinstatements, dues, fines, and a very, very small part of the income is miscellaneous sales, such as buttons and a few things like that.

Q. Is any of the income or funds of the local obtained from the International?

A. None.

Q. What is required to be paid by the local to the International?

A. A dollar for every new initiation, every new member, and 15 cents on the dollar on all moneys collected.

Q. 15 cents on the dollar on all moneys collected?

A. Yes.

Q. Regardless of what source?

A. The only thing that is barred is these small miscellaneous items that are sold.

Q. And the dues were $2 a month, were they?

A. That is right.

Q. So that there was a per capita of 30 cents per month dues to the International?

A. That is right.

Q. That was paid monthly, I take it?

A. Yes, it was paid monthly.

Q. Now, it wasn't paid in the same month in which it was collected? By that, I mean, the

per capita was probably paid the following month—April per capita was paid the following May?

A. Yes, that is right.

Q. May per capita was paid in June, and so on?

A. Yes.

Q. Now, as secretary-treasurer, do you know whether or not the per capita tax dues to the International for April, 1941, had been paid?

A. It had been.

Q. That was paid in May, 1941?

A. That is right.

Q. Now, as secretary-treasurer, you were a member of the Executive Board?

A. That is right.

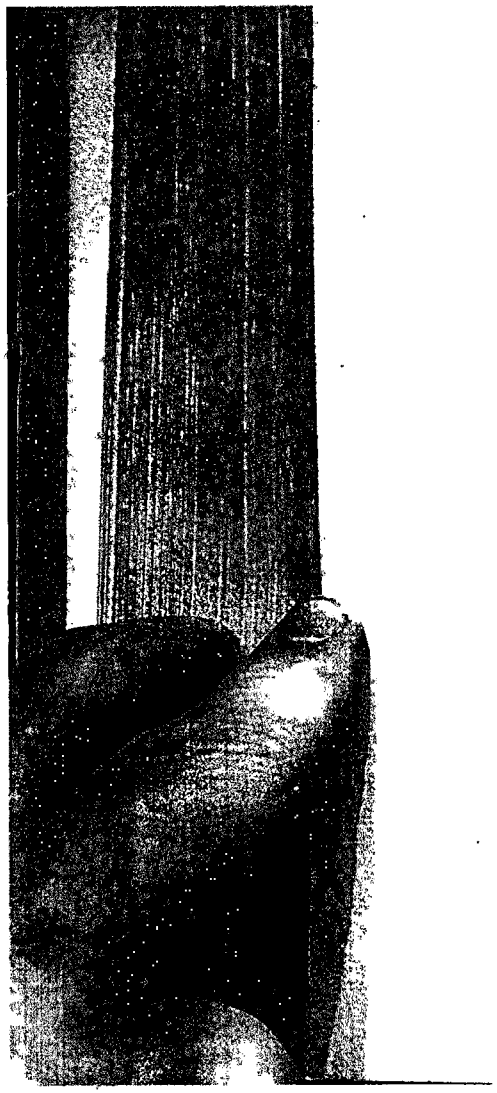
Q. And it has been testified to here a couple of times, that the Executive Board was the governing board of the union, between membership meetings, is that correct?

A. That is correct.

Q. It supervised and directed the actions of the officers and employees of the union, is that correct?

A. Yes, it did that, and it also carried out the wishes of the membership; for instance, if the membership told the board to do something, we would see that the orders were carried out.

Q. You mean that if at a membership meet-



ing a motion or resolution were passed, it was up to the Executive Board to put the machinery into motion that would carry that motion or resolution out?

A. That is right.

Q. Did the Executive Board make recommendations and reports to the membership, at membership meetings?

A. Yes, they did.

Q. And did the membership vote on the recommendations and reports—

A. They did.

Q. Now, as secretary-treasurer of the union, you were required to post a bond?

A. That is right.

Q. Did you post a bond?

A. Well, the International Union posted the bond for us.

Q. Now, were the books of the union audited at regular intervals?

A. They were audited every three months by a firm of public accountants in town.

Q. And from that audit, were financial reports made to the membership?

A. Well, I would like to explain it this way—

Q. Go ahead.

A. Helen Hanifan, the bookkeeper, made up the financial reports which were read monthly at every membership meeting. These were all checked at the end of every three months by

Ward Clark, the accountant, and we were furnished with an audit of the three months.

Q. Mrs. Hanifan made monthly balances or checks of the books?

A. She was the bookkeeper and she had charge of the finances. She drew up a statement which was read to the membership each month.

Q. Were these monthly balances or checks reported to the membership at the meetings?

A. Yes, then every three months the auditor's regular report was read.

Q. Now, you had in the office a safe, correct?

A. Well, we had one in the front office and one in the inner office, yes, two of them.

Q. Now, Mrs. Hanifan, and others employed there in the office, handled the moneys that came in, under your supervision and direction, is that correct?

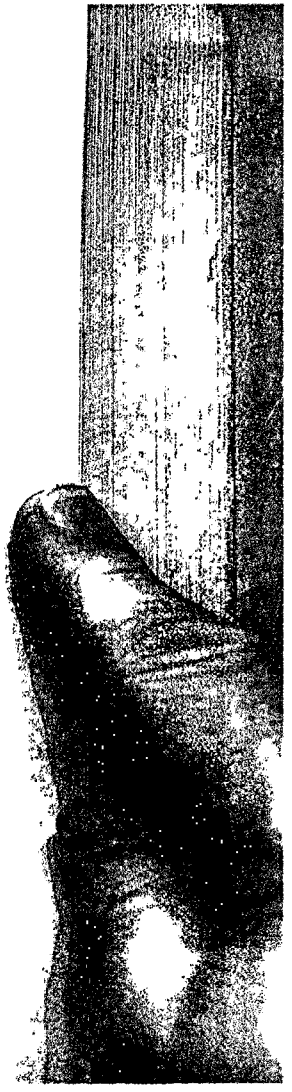
A. I don't know how you mean. I will explain it this way.

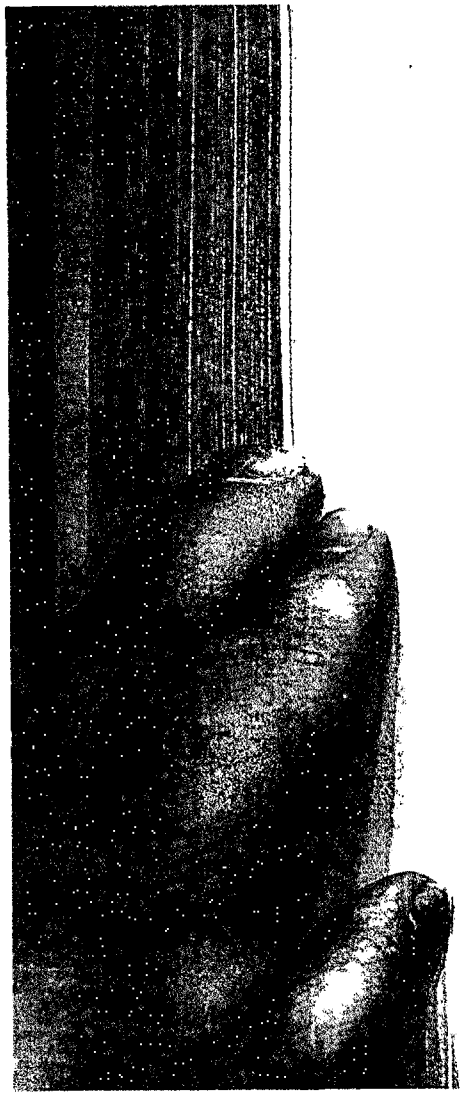
Q. All right.

A. Various girls and men that collected the dues, and stewards—that was all turned over to Mrs. Hanifan, and she took care of the finances.

Q. Now, if you took any money out of the union funds, did you report that to Mrs. Hanifan?

A. Oh, I had to, because she had to keep our accounts straight.





Q. And did you report to her all moneys you took out?

A. Yes.

Q. Now, I show you several slips here that have been marked Defendant's Exhibits 3, 4, 5, 6 and 8, and I will ask you if those are the type of slips that you customarily left with Mrs. Hanifan, or in the cash, to indicate what had been taken from the safe?

A. Well, I didn't leave these; I would either inform Helen or she would ask me and make these notations and put them in the safe to show where the money went.

Q. Now, there has been some testimony here that you stopped banking cash some time, I believe, in May, 1941, is that correct?

A. That is right.

Q. Do you recall about when?

A. The only way I could place it is the second Monday in the month, right after the general membership meeting; that would be a Tuesday or Wednesday, after the second Monday in May, about the 12th or 13th, somewhere in there.

Q. Did you do that of your own volition or on your own hook, so to speak?

A. No, I done that under orders of the Executive Board.

Q. You were a member of the Executive Board?

A. I was.

Q. Was that matter decided at a meeting of the Executive Board?

A. It was.

Q. Were you present at that meeting?

A. I was.

Q. Now, had there been other occasions upon which the same procedure was followed?

A. One other, while I was secretary.

Q. When was that, do you recall what year?

A. It was in January or February, 1940.

Q. Now, Mr. Postal, there has been some testimony here about a meeting held in Chicago, in April, 1941, at which Mr. Gillespie presided. Were you at that meeting?

A. I was.

Q. Is that the meeting at which Miles Dunne and—was it Ray Rainbolt that accompanied you?

A. Yes, a committee, all three of us.

Q. So that was Miles Dunne and Ray Rainbolt?

A. That is right.

Q. Did you meet with Mr. Gillespie?

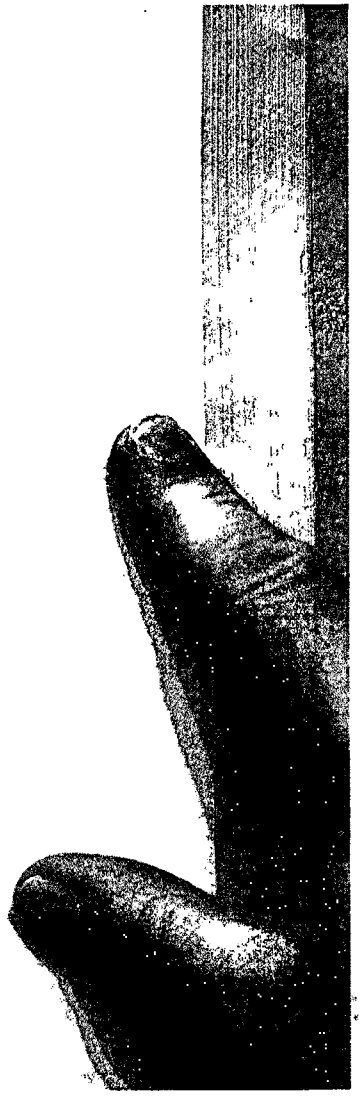
A. He and several members of the International Union—the Executive Board.

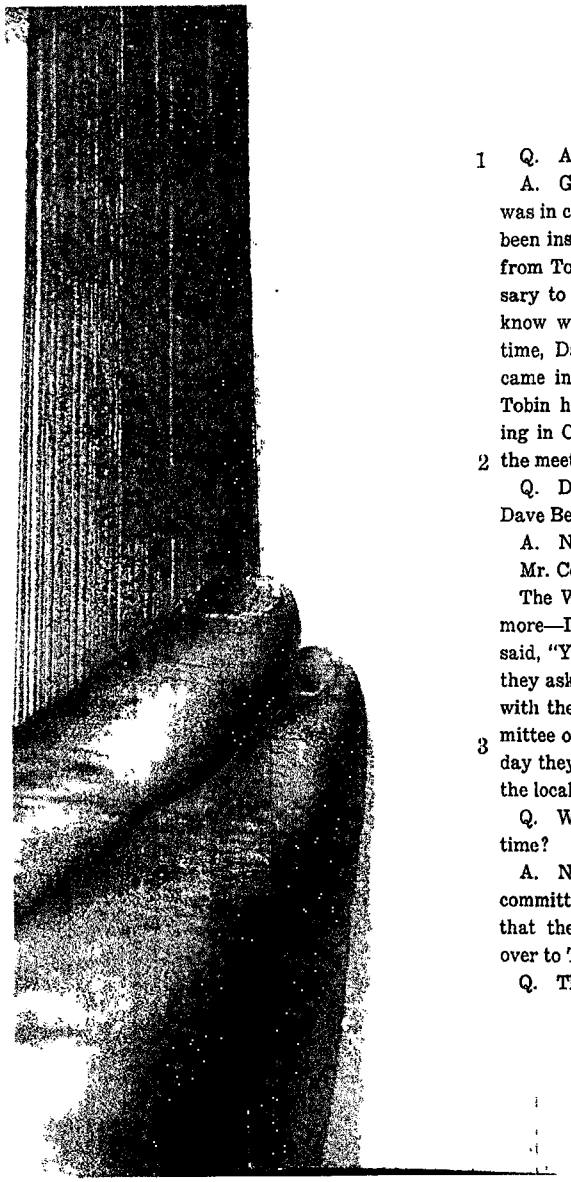
Q. What is your recollection as to what transpired at that meeting?

A. In what way?

Q. What was said, do you remember what was said or done?

A. Yes, I do.





Q. All right.

A. General secretary-treasurer Gillespie was in charge of the meeting. He told us he had been instructed to hold this meeting on orders from Tobin, and he said it wouldn't be necessary to go into everything because we would know what it was all about. Just about that time, Dave Beck, an International organizer, came in and said that he had been East and Tobin had asked him to drop into this meeting in Chicago, and he kind of took charge of the meeting from that time on.

Q. Did anything further happen, after Dave Beck took charge?

A. No, there were no charges read.

Mr. Compton: What?

The Witness: No charges were read. It was more—I wouldn't say improperly,—but they said, "You know what this is all about." Then they asked us to leave, and they had a meeting with the committee that represented the Committee of 100, by themselves; and later on that day they called the committee that represented the local back in,—the committee that I was on.

Q. Was there any action taken the second time?

A. No, they told us that they were just a committee and that they had no power to act; that they would have to turn their findings over to Tobin, in Washington.

Q. Then you attended a meeting in Washington, I believe, on June 3rd, with Daniel Tobin, the International president, is that right?

A. I think about that date.

Q. And as a committee there, you were present, and Vincent and Ray Dunne?

A. Yes.

Q. And Ray Rainbolt?

A. That is right.

Q. There was also a committee present representing the Teamsters Joint Council of Minneapolis, is that correct?

A. That is right.

Q. Now, at that meeting, did President Tobin of the International Executive Board, make any charges against you or the officers?

A. Yes, Tobin started to read some charges.

Q. Now, the charges that Tobin read were just made by the Committee of 100?

A. Yes.

Q. Other than the charges made by the Committee of 100, were any charges preferred against your board or yourselves by the International Board?

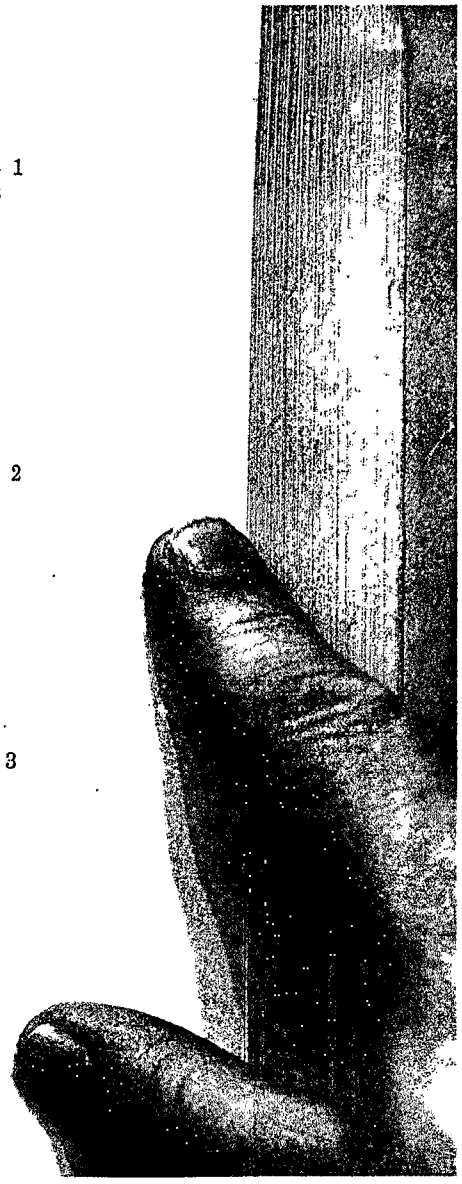
A. No.

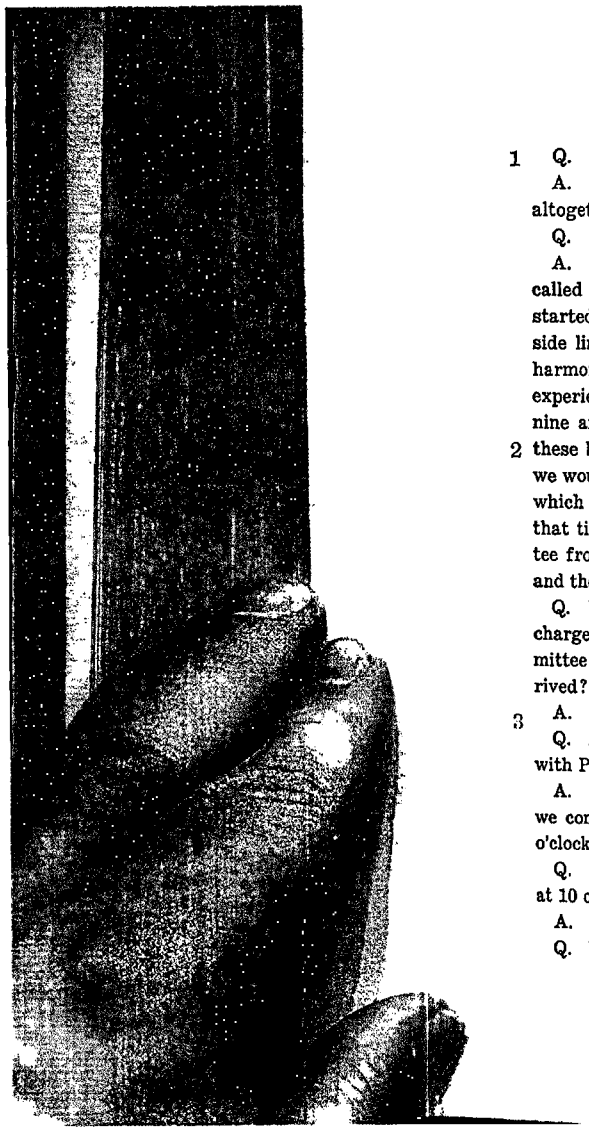
Q. Or by International President Tobin?

A. No.

Q. Now, you say that President Tobin started to read some charges by this Committee of 100?

A. Yes, that is right.





Q. Did he finish reading them?

A. No, he kind of drifted off the subject altogether.

Q. Well, what happened then?

A. Well, he had a set of charges, what he called charges, he had these charges, and he started to read them, and then he went off on a side line, telling we all would have to work in harmony this way, and telling a lot of his own experiences. Then he produced, I think it was nine affidavits, and asked if we had ever saw these before. We told him no, and he asked if we would step in the next room and read them, which we did, and then we came back in. By that time, or just around that time, a committee from the Teamsters Joint Council arrived, and they were admitted.

Q. Was anything further said about these charges and these affidavits, after the committee from the Teamsters Joint Council arrived?

A. Not to my recollection at that meeting.

Q. Did you later on have another meeting with President Tobin?

A. Yes, that afternoon he asked us would we come and see him the next morning at 10 o'clock, I believe it was.

Q. Did you go and see him the next morning at 10 o'clock?

A. We did.

Q. Was anyone present besides the three of

you and President Tobin?

A. No, sir.

Q. And you had some conversation with President Tobin?

A. For a couple of hours, I believe.

Q. Well, what was the gist or subject of it?

A. Well, at that time, he told us we had a man on the payroll that was devoting most of his time to the Socialist Party, he mentioned V. R. Dunne.

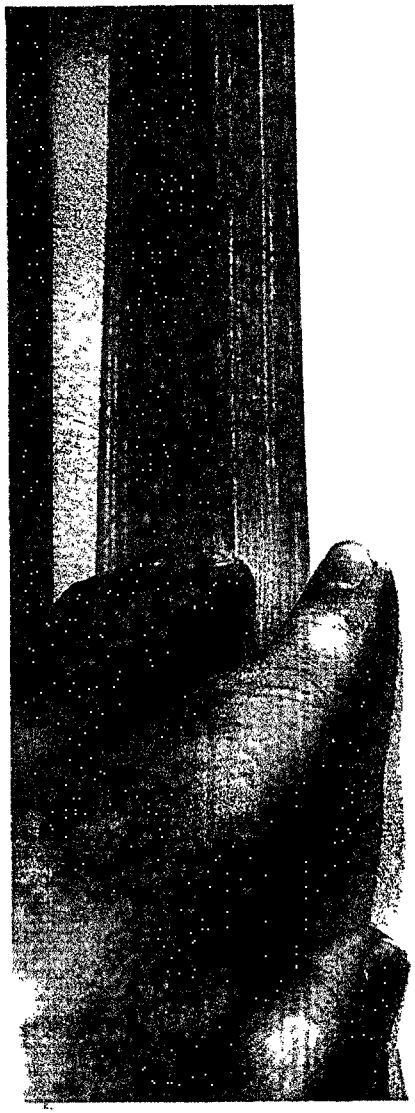
Q. Yes.

A. He also said, if I am not mistaken, that I was included, and I think it was George Frosig, and I can't think who the other party was. He said that charges had been made against us, that we were inefficient, and one thing and another, and he singled me out in particular, claiming that I spent an awful lot of my time making speeches against the Teamsters International.

Q. Yes.

A. And at that time he accused us of harboring a man that wasn't wanted in the International, Mr. Jack Smith, and we had an argument about that. That is the time we told him that Jack Smith had come into Minneapolis in 500 and that Les Gowdy, of the Teamsters Council, knew Smith was in town, and that he knew he was in town, and that therefore we didn't figure we were harboring anybody.

Q. By the way, explain about Local 500,



that was an International sponsored union, in opposition to 574—

A. Yes, at that time Local 500 had sent a crew of organizers in from Chicago, and Jack Smith was one of these organizers, and while I was in Chicago, at this Gillespie meeting, the question of Farrell Dobbs had come up. Gillespie asked if Farrell Dobbs was still in Local 544, and I said, "Yes," he was. We raised this with Tobin also, and Tobin told us, the committee of three of us, that he had told Farrell that he—told Dobbs, I should say, that he could maintain his membership in Local 544.

Q. Tobin told you that?

A. He did.

Q. At Chicago?

A. No, at Washington.

Q. Now, I diverted you there. Go back to this second conversation you had with Mr. Tobin in Chicago. Was there anything further said after this discussion about Jack Smith came up?

A. Yes, he told us that he told the Executive Board he was big enough to handle it alone, and that if we wanted our boys to help him out, he wanted us to send a petition asking the International Executive Board to appoint a receiver over Local 544, and he said that it would help him out, that if we didn't do it he would do it anyhow.

Q. What reply did you people make to that suggestion?

A. We told him we were just a committee down there representing the local against the attacks from this Committee of 100, and that we would have to go back to Minneapolis and report.

Q. Then what happened?

A. To the best of my recollection, I don't think anything else happened. He asked us to do that.

Q. All right. Was that the last time you talked to President Tobin?

A. It was.

Q. Now, there has been some testimony here about a meeting of June 8th. You didn't attend that meeting, did you?

A. No, sir.

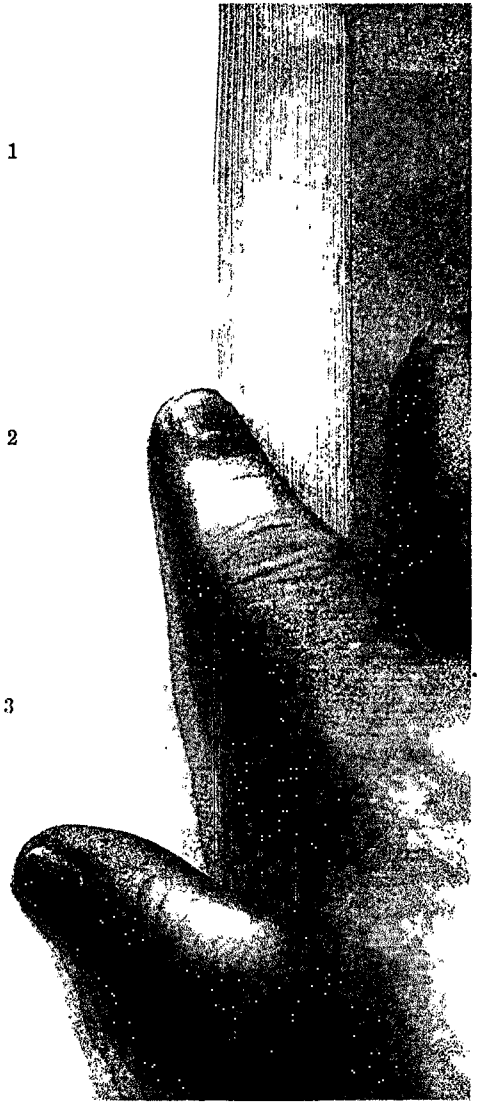
Q. You did, however, attend the meeting of June 9th?

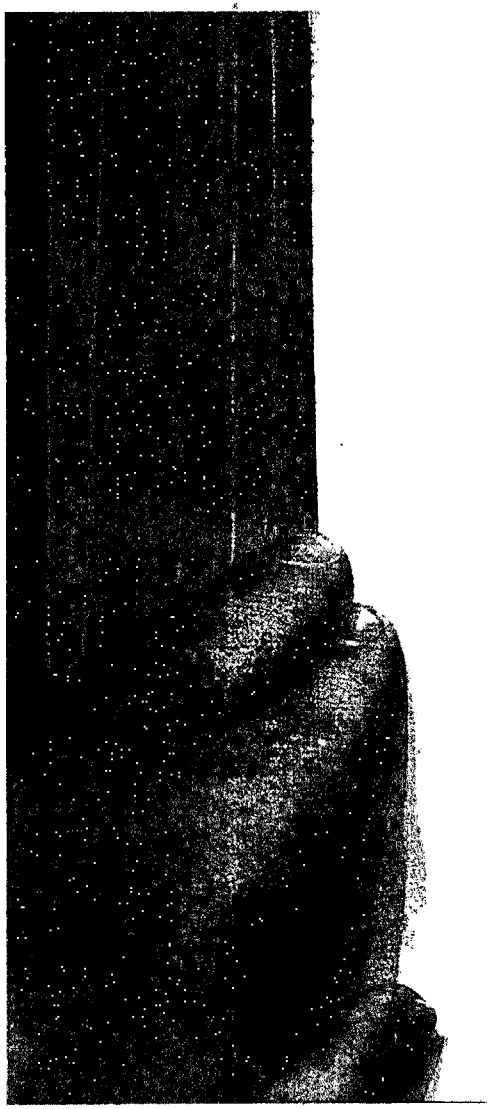
A. I did.

Q. Now, when the Executive Board of Local 544 first decided to recommend to the membership the two resolutions that have been testified to here, which were presented in that meeting of June 9th,—when was that?

A. Well, that was decided at a board meeting that Monday afternoon,—I don't know, 3 or 4 o'clock in the afternoon,—on that Monday afternoon, anyhow.

Q. You heard Miles Dunne testify as to the





preparation of those resolutions, didn't you?

A. I did.

Q. And is that substantially correct?

A. I don't think it was substantially correct. I think,—maybe I am off,—I think Rainbolt was appointed to help him draw up those resolutions,—but maybe I am wrong.

Q. At least the resolutions were prepared in the afternoon of June 9th, is that correct?

A. That is correct, after the board meeting.

Q. Prepared at 257 Plymouth Avenue, in the office of the local, is that correct?

A. I couldn't say as to that; it might have been in Mr. Dunne's office, the Teamsters Joint Council office—it might have been in there. I couldn't say which office.

Q. Now, you have heard the testimony regarding the presentation of these resolutions in that June 9th meeting. Is that testimony substantially correct, as you remember it?

A. As I remember it, there was nobody spoke against the motion to turn the funds over to the Defense Committee; but it seems to me that somebody did speak against the motion—or maybe they didn't—I think he spoke afterwards.

Q. Somebody spoke afterwards on the second resolution, to disaffiliate?

A. Yes, Axel Soderberg spoke about the motion after the motion was passed.

Q. You know Axel Soderberg?

A. Ten or fifteen years.

Q. What did Axel say, if you recall?

A. He come up out of the audience—not on that speaker's platform, by the mike,—it was pretty difficult to hear everything, he informed the group that for once the majority was wrong.

Q. Now, after the meeting of June 9th, did you turn over any money to Ray Rainbolt?

A. I did.

Q. When was the first occasion, after June 9th, that you turned some money over to Rainbolt?

A. After June 9th?

Q. Did you turn some over to him on June 9th?

A. I turned money over to him, after the meeting of June 9th.

Q. The same night?

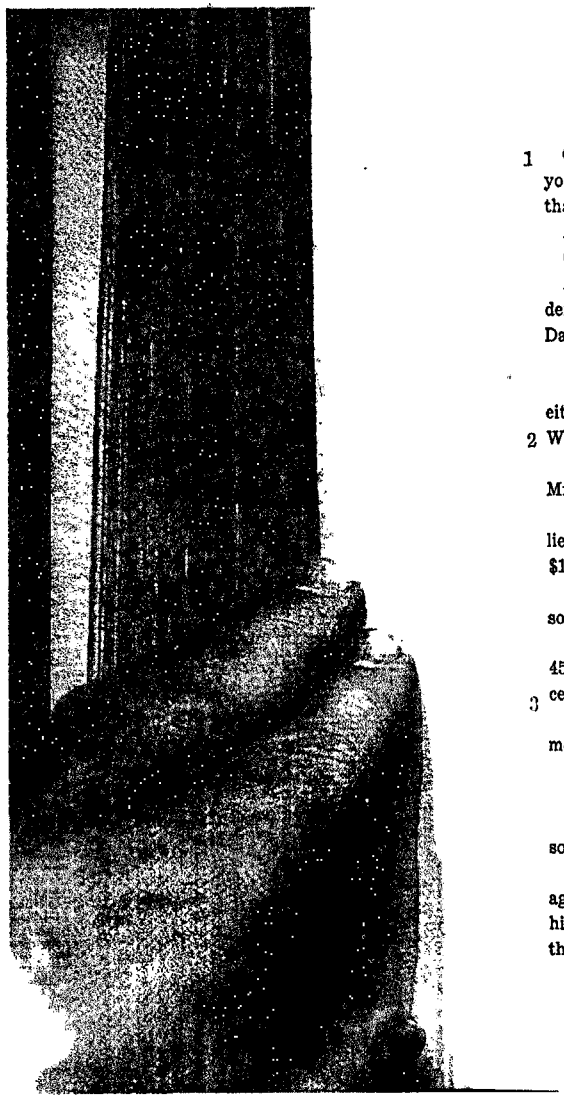
A. The same night.

Q. Where did you turn this money over to Rainbolt?

A. At Rainbolt's home, I think 32nd and Colfax North, as I remember.

Q. Do you recall who was present at that time?

A. Yes, there was Harry DeBoer, Emil Hanson, Rainbolt, Walter Hagstrom, Frank Cronan, Jack Worth,—it seems to me that there was somebody else, but that is all I can remember offhand.



Q. Other than Cronan and Worth, the men you have mentioned were members of 544, is that correct?

A. Yes.

Q. And who was Jack Worth?

A. He was business agent, I think the president, of Local 116, Drivers from Fargo, North Dakota.

Q. This man Cronan, who was he?

A. I don't know what position he held, either secretary-treasurer or president of the Waterloo, Iowa, A. F. of L. Drivers.

Q. How much money did you turn over to Mr. Rainbolt, on the evening of June 9th?

A. To be exact, I think it was $10,213, I believe; I wouldn't swear to that. I know it was $10,213 or '31, one way or the other.

Q. Did you subsequently turn over to him some more money?

A. Yes, I think I did; I think I turned over 450 bucks, something like that, for the day's receipts, June 9th.

Q. Well, altogether, Mr. Postal, how much money did you turn over to Mr. Rainbolt?

A. Do you want the exact figure?

Q. If you can give it to me, yes.

A. I think it was around $12,078 or $76, and some cents.

Q. Now, I am going to show you these slips again that have been marked Defendant's Exhibits 3, 4, 5, 6 and 8, and ask you if you took that money?

A. Every bit of it, and turned it over to Rainbolt and Hagstrom.

Q. Now, Mrs. Hanifan testified to a sum of $1,243, I think. Was she in error on that, or was it $1,293?

A. $1,293—if the slip reads $1,293, that is correct.

Q. I think she testified $1,250. Is that in error, if the slip shows $1,650?

A. The slip is right.

Q. There was mentioned some item of $450. Is that amount represented by Defendant's Exhibit 6, $426, is that what you have reference to?

A. Yes, with the deductions.

Q. To clear up the item, it was $447, with some deductions, leaving the balance $426, is that correct?

A. That is correct, yes, sir. That is right; these two items, plus $426, amount to $447.

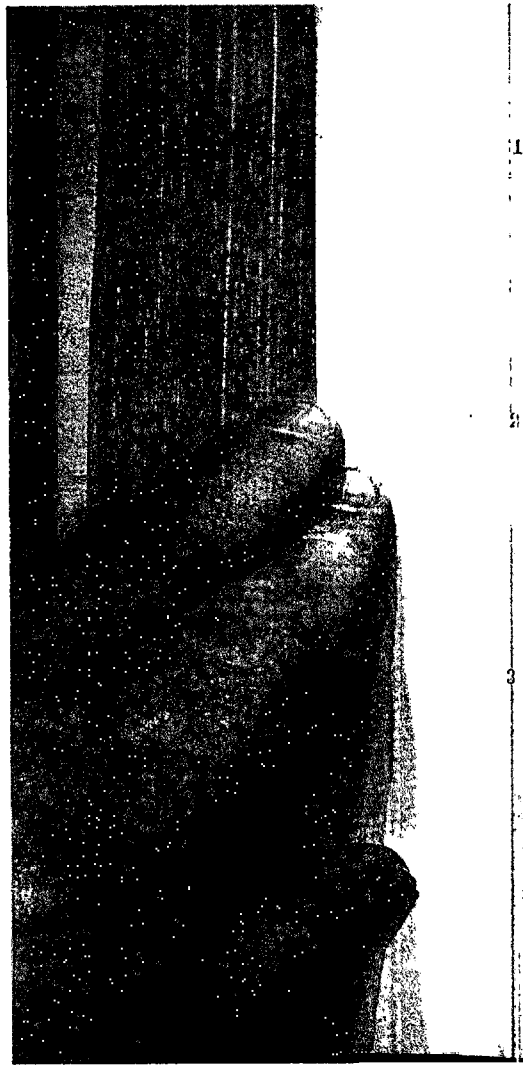
Q. And there has been some testimony about a $1,000 item, is that the item represented by Defendant's Exhibit 8?

A. That is the cashier's check for $1,000, that is right.

The Court: What is the date of that one?

Mr. Shama: That is June 12, 1941.

Q. I also show you a slip marked Defendant's Exhibit 3, with a notation "Taken for deposit in cash box, by Jon Conder, $5,000." That sum is correct?



A. $5,000 is correct.

Q. All these sums were taken by you and turned over to Mr. Rainbolt, as chairman of the Defense Committee?

A. No, one item isn't. It was eventually turned over to him, but one item, the $5,000, was first turned over to Jon Conder and later turned over to Rainbolt.

Q. But that is included in the $12,000 total you gave him, is that correct?

A. That is correct.

Q. And this $12,000 and some odd dollars, total, you gave him represents all of the money you turned over to Mr. Rainbolt and his committee, is that correct?

A. That is correct.

Q. Now, Mr. Postal, did you keep or retain for yourself one penny of the money that belonged to 544, A. F. of L.?

A. Not a cent.

Q. Did you account to the members, or the chairman, rather, or secretary of this Union Defense Committee for all of the moneys that came into your possession?

Mr. Compton: Just a moment; objected to as being compound. He asked him first whether he accounted to the members or the chairman or the secretary or whatever it was of the Defense Committee.

Mr. Shama: Strike the question; I don't think it is compound, but strike it.

Q. Mr. Postal, did you account to the Union Defense Committee, through its chairman or secretary, for all the money that came into your possession from 544?

A. I turned every dime of it, the vast majority over to Rainbolt, and on a few occasions, I turned some over to Hagstrom, every cent I received.

Q. Did you personally spend any of this money either before or after the 9th of June?

A. Not a cent.

Q. Mr. Postal, you became affiliated with the CIO Local 544 after June 9th, did you not?

A. That is correct.

Q. And I believe that you were secretary-treasurer of the new organization?

A. I was, but in name only. All the funds were turned over to the Defense Committee, after that.

Q. Are you still the secretary-treasurer?

A. No, sir.

Q. When did you cease to be secretary-treasurer of 544 CIO?

A. The first of the year, 1942.

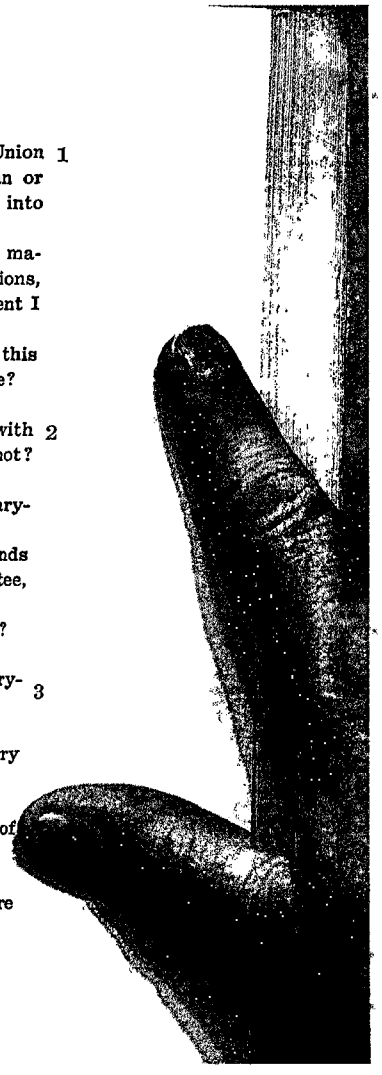
Q. Of course, Mr. Postal, you know Larry Davidson?

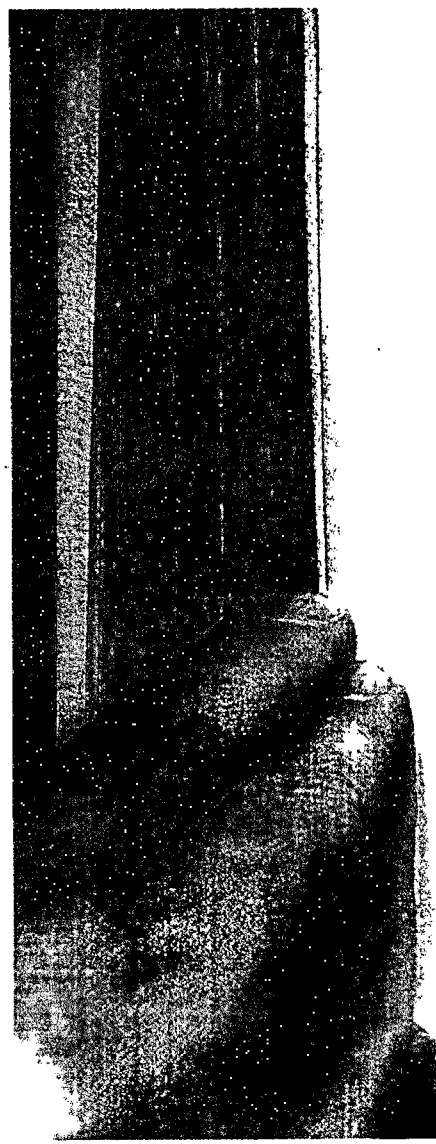
A. I do.

Q. You have known him for a number of years?

A. About since 1934 or 1935.

Q. Now, there was some testimony here





about a loan of $5,000 to the Petroleum Workers Local 977. Was that matter ever discussed by your Executive Board?

A. It was.

Q. Were you present as a member of that Executive Board when that was discussed?

A. I was.

Q. Do you recall approximately when that occurred?

A. The only way I could place it, would be this way, whatever date is on that slip for $5,000, the meeting would be the day before that.

Q. Well, I will be glad to show you that slip. Let me ask you this, first,—I show you Defendant's Exhibit 3, which is a $5,000 slip. Does that refresh your recollection as to the date?

A. I believe it would be the 28th, according to that, because the Executive Board sent a committee of two of us, Miles Dunne and myself, to go out to see Larry about this same money, and we went and saw Larry the next day.

Q. You and Miles Dunne saw Larry Davidson?

A. That is right.

Q. Where did you see him?

A. At his home on Sixth Avenue North.

Q. You had some conversation with him regarding this $5,000?

A. We did.

Q. Was there anyone other than the three of you that participated in this conversation?

A. No.

Q. And I believe you did meet some other persons while you were there at his house?

A. We did, yes; we met three or four people we did know there.

Q. Well, briefly, who were they?

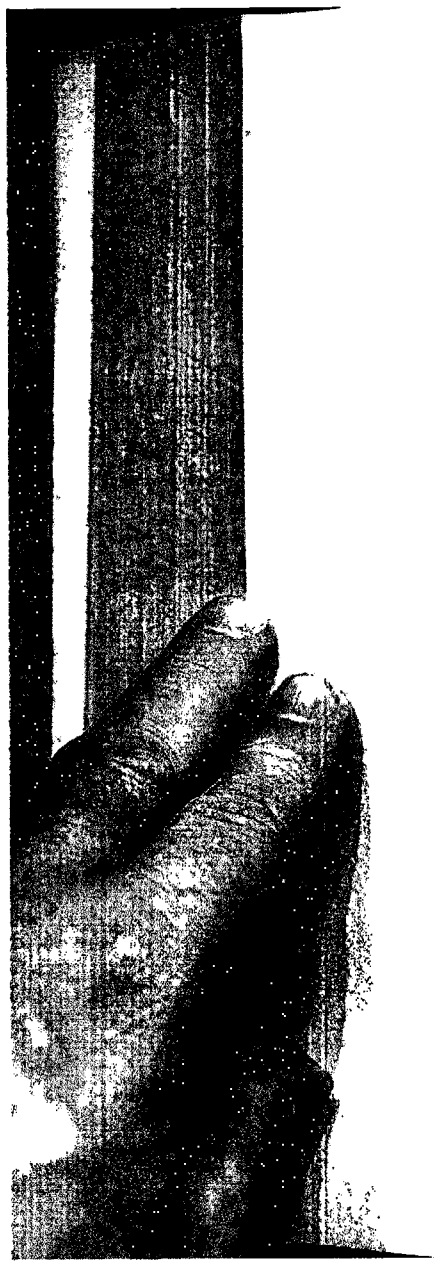
A. Maurice Olson, an independent truck owner, and Joe Foss,—I think his name is Fostrom or Fagstrom, or something,—also an independent truck owner. They were both working for the county, and we met Ben Shallow, some kind of foreman for the county; then there were three or four others there we didn't know.

Q. Now, your Executive Board, when you discussed this loan of $5,000,—did you intend to loan it to Larry Davidson individually or to 977 local?

A. Local 977.

Q. Now, you told us that you and Miles Dunne had some talk with Larry Davidson. Give us your best recollection of that conversation.

A. We went out and told Larry it had been presented to the board and that the board had O. K.'d it, and that we wanted to get the dough off our hands as soon as possible. He said O. K., but he didn't want it at his house. We said, "We haven't got it with us, but we would like to give



it to you as soon as possible," and he said, "O. K.," and he wrote a note to his bookkeeper, Conder, and gave it to me to give to Conder when I gave him the money.

Q. Did you give that note to Conder?

A. I did.

Q. Have you that note?

Mr. Compton: Yes; it is in evidence.

Q. I show you a note marked State's Exhibit C, and I will ask you if that is the note to which you referred?

A. That is the same one.

Q. Did you deliver the $5,000 together with this note to Conder?

A. That's right.

Q. Where did you deliver the money and the note to Conder?

A. Well, I have been trying to think; it was in the union headquarters, but his office or mine, I don't know.

Q. At least it was delivered at 257 Plymouth?

A. That's right.

Q. Either in your office or his?

A. Yes; I wouldn't say—it was in 257, but whether in his place or mine, I don't know.

Q. Then, did you, some days later, receive this money back from Conder?

A. Yes; he gave me a receipt for the money that day.

Q. Did you have any conversation with

Davidson between the time when you delivered the money to Conder and the time Conder returned it to you?

A. I guess just a short conversation.

Q. Was this about the money?

A. It was.

Q. Tell us what it was.

A. Well, Larry said they couldn't go independent, which had been the gist of our conversation when this loan was made, and then they evidently were going to stick with the A. F. of L., and he wanted to return the money.

Q. Had nothing been said in your first conversation about 977 going independent?

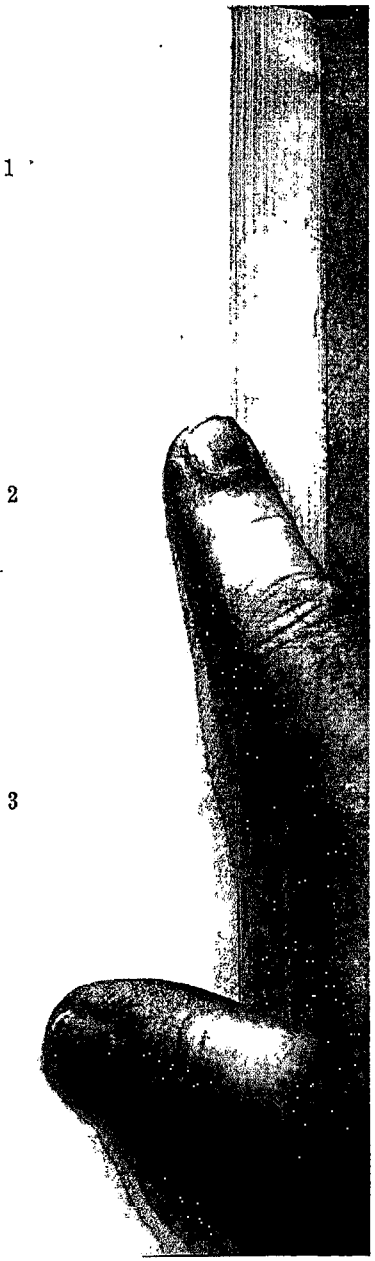
A. Yes, that had been presented, that resolution from 977, back a few days before, and Larry had—Mr. Davidson had gotten in touch with different members of the board, saying that he was going—

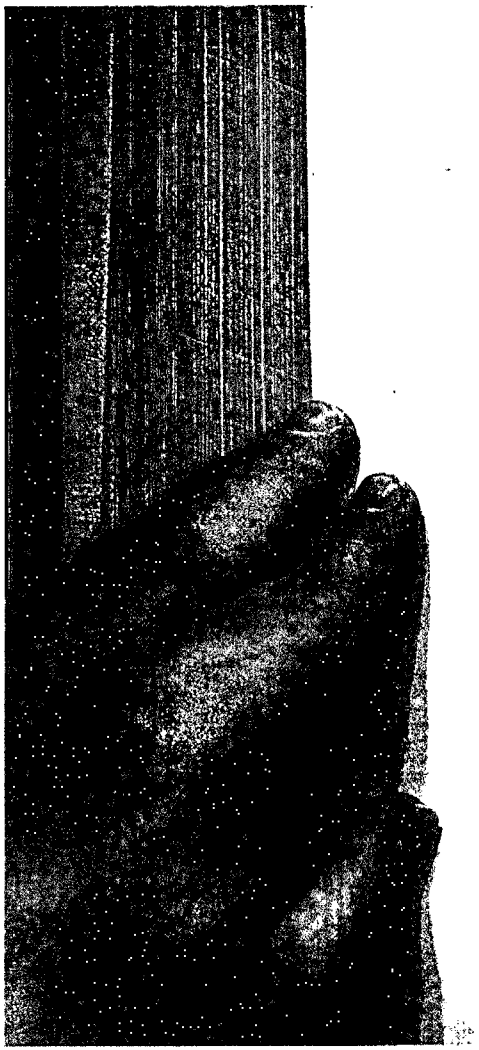
Mr. Compton: This is objected to as hearsay, incompetent and immaterial, not showing anything.

Mr. Shama: It is Mr. Davidson's conversation.

Mr. Compton: Well, I don't care; no foundation laid,—if it is for impeachment purposes, no foundation laid, and I don't see the materiality.

The Court: Mr. Davidson wasn't asked if this conversation didn't take place, as foundation for impeachment.





Mr. Shama: And I am merely asking what the conversation was with Mr. Davidson. I submit that the whole conversation that he had with him at the time is important and material; it is a part of the whole.

Mr. Compton: This man has testified that Larry Davidson stated they couldn't go independent, and therefore he was returning the money. What else was said, it seems to me, is wholly immaterial.

The Court: Well, we have had part of that conversation from Mr. Davidson and part of it from this witness; I think they are entitled to have it all.

Mr. Compton: All right, go ahead.

The Witness: And told us that they were going to stick with the A. F. of L. and therefore were returning the money; said that they couldn't go independent, because they had discussed this thing in the board meeting and previously with Larry, and if a break came between the International, they would have to go independent, the chances were.

Q. Now, Jon Conder returned this $5,000 to you?

A. He did.

Q. Now, Mr. Postal, as a member of the Executive Board, what reasons were discussed or given in the Executive Board, for issuing the order to stop banking the money?

A. Oh, I don't really get what you mean.

Q. Well, back in May 12, 1941, the board ordered you to stop banking the money?

A. Yes.

Q. Were you present in the Executive Board meeting when that order was decided upon?

A. I was.

Q. What reasons were advanced by or discussed in the board for taking that action?

A. Two reasons.

Q. Give us those reasons.

A. One reason was, we wanted the money on hand, because we figured we were going to have a lot of labor difficulty; another reason was to keep the money for the membership so that no trustee could clamp down on it.

Q. Let's take the first reason,—you figured you were going to have some labor difficulty?

A. That's right.

Q. Do you know when most of the contracts held by 544 expired that year?

A. About three-fourths of them expired either May 31st or June 1st.

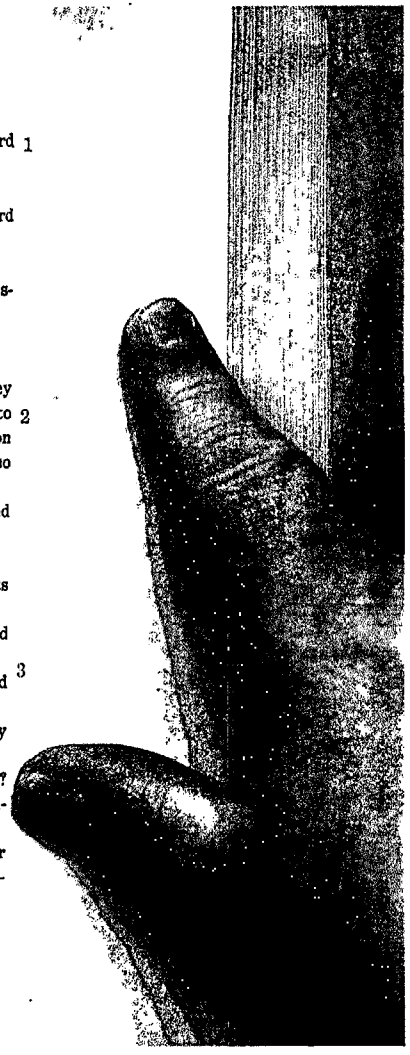
Q. And about how many contracts in round numbers would that involve?

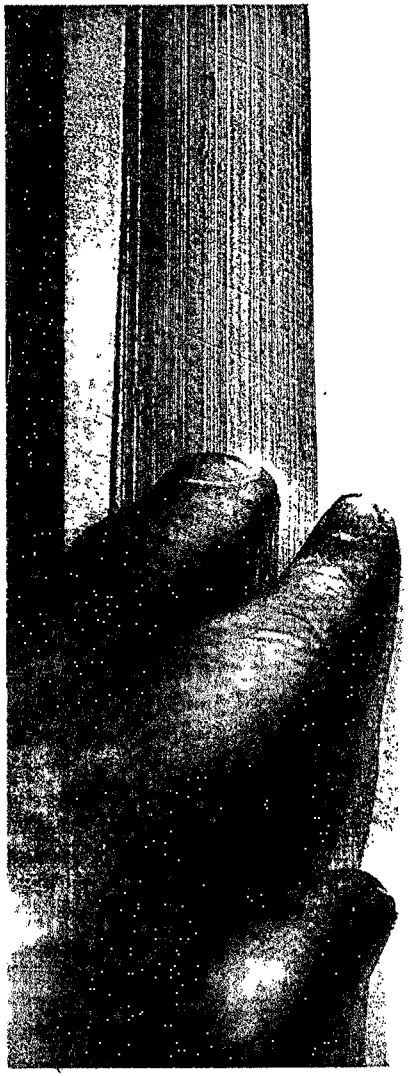
A. That would be hard to say. I would say around 600 or 650, right in there some place.

Q. Did that involve a large number of men?

A. Oh, yes, maybe about 4,000, approximately that.

Q. Now, were negotiations carried on prior to the expiration of the contracts, that is, negotiations for renewal?





A. In most cases, yes.

Q. You had started your negotiations already?

A. Yes, quite a few of them.

Q. And in preparation for this anticipated labor trouble, had you filed with the State Labor Conciliator strike notices?

A. We had.

Q. Can you tell us approximately how many strike notices you had filed?

A. Three hundred and seventy-four or five, right in that neighborhood; an awful lot of them.

Q. I think you said your second reason was to keep the money for the membership, in the event a trustee was appointed, is that correct?

A. That is correct.

Q. Well, had your Executive Board known of the appointment of trustees in this district?

A. We had.

Q. A number of them?

A. Oh, I couldn't say as to the number of them; I have known of two or three myself.

Q. When a trustee is appointed he takes over the entire government and running of the union?

A. Everything.

Q. This item of $550 which was mentioned here,—was that item regularly discussed in Executive Board meeting?

A. Yes, and also in special membership meeting.

Q. And when was the special membership meeting held?

A. Why, it would be, I think it would be about two weeks—no—about the third Monday in May, something like that, the fourth Monday in May.

Q. I wonder if you could refresh your recollection from these minutes as to the date; is that the date you refer to, Mr. Postal (handing book to witness), or is it some other date?

A. Oh, I believe that is the date, although we had taken steps before that.

The Court: Sometimes you allow your voice to fall.

Mr. Compton: What date is that?

Mr. Shama: May 27, 1941.

The Court: We will adjourn until tomorrow morning at 9:30.

Morning session, April 22, 1942, pursuant to adjournment.

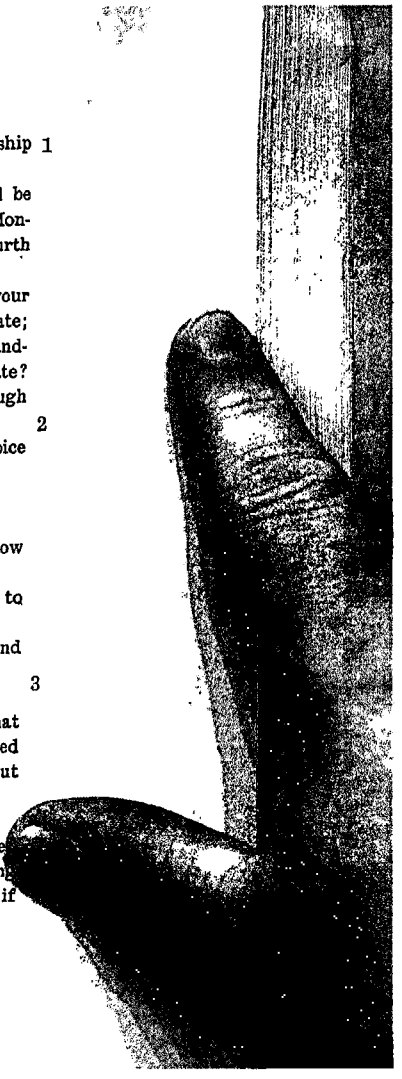
The witness Kelly Postal resumed the stand for further direct examination.

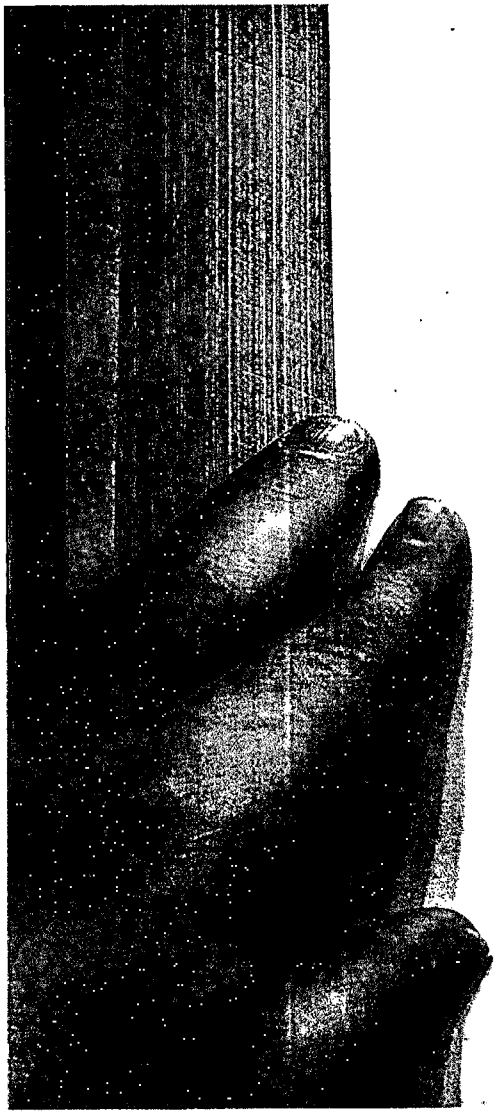
By Mr. Shama:

Q. Mr. Postal, yesterday you told us that there was a special membership meeting called for May 27, 1941. Were any notices sent out about that meeting?

A. There was.

Q. I show you an instrument that has been marked Defendant's Exhibit 12, and, excluding the pencil notations on there, I will ask you if





that is a copy of the notice that was sent out for the special meeting?

A. It is.

Q. Do you recall, Mr. Postal, how these notices were sent out, that is, were they delivered by hand, mail, or how?

A. Mailed out.

Q. From the office, 257 Plymouth Avenue?

A. That is right.

Q. Do you recall about how long before this meeting of May 27th, these notices were sent out?

A. No, offhand, I don't.

Q. This instrument marked Exhibit 12 is a true and correct copy of the notices sent out for that meeting?

A. To the best of my knowledge, yes.

Q. These pencil notations on the margin, do you know who made those?

A. No, I don't.

Q. They weren't a part of the notice?

A. No.

Mr. Shama: I offer in evidence Defendant's Exhibit 12, excluding the pencil notations on the margin. I don't think they are legible any way; I can't make them out.

Mr. Compton: I would like one or two questions.

Q. (By Mr. Compton) Did you send out these notices?

A. The Executive Board sent them out, yes.

Q. I am asking if you sent them out.

Mr. Shama: Personally?

Mr. Compton: Yes.

A. Yes.

Q. Who, in the office, did you instruct to send them out?

A. Well, it would be Helen Roslyn, she would cut the stencil.

Q. Did Mrs. Hanifan have anything to do with it?

A. She might have, to this extent, she might have to help fold them, to put them in envelopes and address them.

Q. Isn't it true when these went out from the office, she would have some knowledge of them?

A. If they went out from the office?

Q. Yes.

A. Why, certainly.

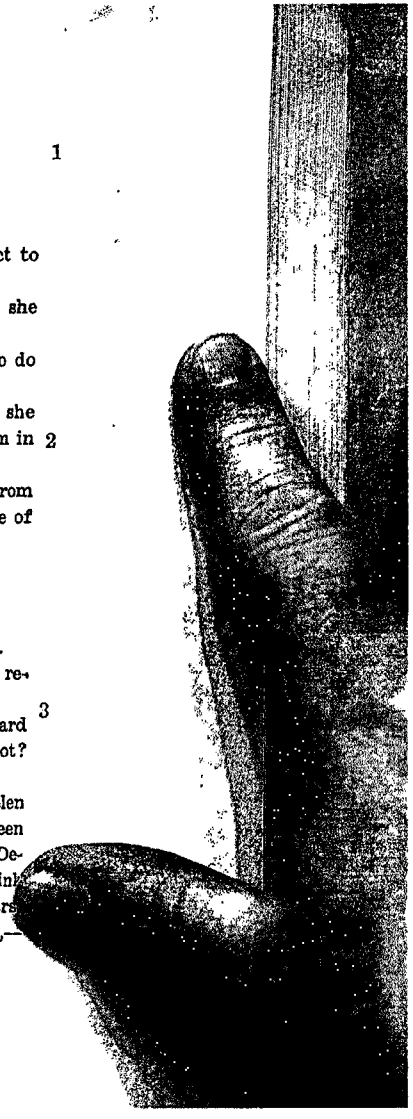
Mr. Compton: I have no objection to this.

The Court: Defendant's Exhibit 12 is received.

Q. (By Mr. Shama) Mr. Postal, you heard the testimony of Helen Hanifan, did you not?

A. I did.

Q. Did you hear the testimony of Helen Hanifan wherein she said union funds had been expended to send V. R. Dunne and Harry De-Boer to Chicago on non-union business? I think she said in connection with Socialist Workers Party. I am not sure as to her testimony,—



either 1939 or 1940,—do you recall that testimony?

A. I do.

Q. As far as you know, was any money of the union, that is Local 544, ever expended for any such purpose?

A. No, not to my knowledge.

Q. Did you ever instruct or authorize anyone to use union funds for this purpose?

A. Never.

Q. Did you ever sign any checks of the union for the payment of such expenses or fund?

A. Not to my knowledge.

Q. As a matter of fact, had you ever heard of this situation, prior to the time Mrs. Hanifan testified here?

A. I had not.

Q. During your tenure of office with 544, A. F. of L., were any funds used, as far as you know, or did you authorize for any purpose similar to those that were testified to by Mrs. Hanifan?

A. Not to my knowledge.

Q. Well, did you ever authorize any of it?

A. No.

Q. Did you ever yourself spend any of the union money for that purpose?

A. No.

Q. Let me ask you this question,—officers and organizers of 544 made frequent trips, did

they not, to Chicago and other places, in, I think you called it, the eleven-state area, on union business in connection with the Over-the-road contracts negotiations and things of that sort?

A. Not all of them, only certain ones.

Q. Well, some of them did make such trips?

A. We had three or four men on the road practically all the time.

Q. And when they are on the road, on union business, were their transportation and expenses paid by the local?

A. The expenses while away from their homes, yes, while away from their home board here.

Q. Mr. Postal, you testified at the trial in February before Judge Hall?

A. I did.

Q. And you heard a transcript of your testimony before Judge Hall read here by Mr. Compton?

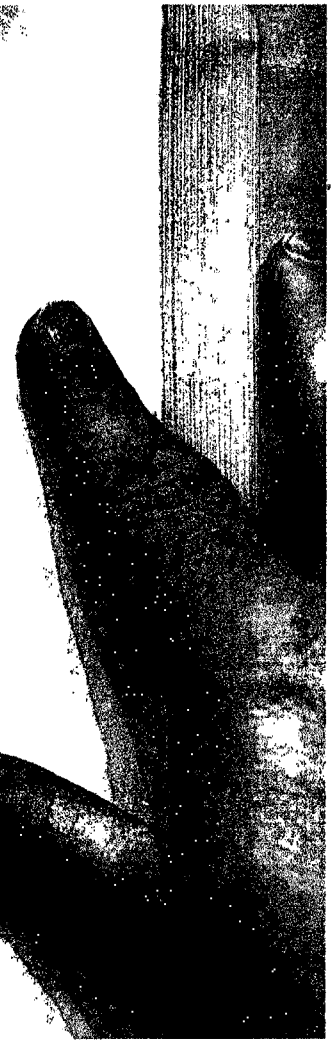
A. I did.

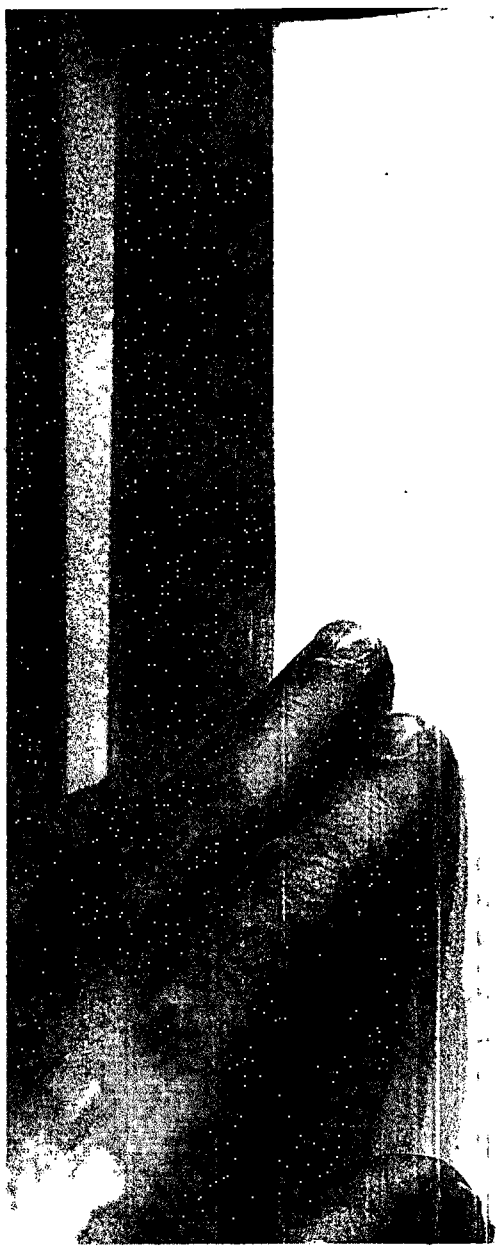
Q. To the best of your recollection that transcript is true and correct, a true and correct record of your testimony?

A. It is.

Q. As to those matters which you ha[ve] in any way covered by your testimony, y[ou] willing to admit that transcript as part of [your] testimony, is that correct?

A. I am.





Q. By the way, at that trial, do you recall that George Williams testified?

A. I do.

Q. And Eugene Williams?

A. Yes.

Q. And Helen Hanifan?

A. She did.

Q. And T. T. Neal?

A. Yes.

Q. And Rancour?

A. He did.

Q. And of course Jon Condor?

A. He did.

Mr. Shama: You may inquire.

CROSS EXAMINATION.

By Mr. Compton:

Q. Now, I understood one of the questions asked you toward the end here, was put in this form: As far as you know, were any of the funds of 544 used to send Vincent Dunne or DeBoer to Chicago on business connected with the Socialist Workers' Party, and you answered "No." That is right, isn't it?

A. Never to my knowledge.

Q. Then you say that none of the funds of 544, American Federation of Labor, were used for that purpose?

A. I will have to limit that to a couple of years that I was secretary-treasurer.

Q. You say while you were secretary-treasurer none of the funds of 544, American Federation of Labor, were used for that purpose; will you say that definitely?

A. That is correct.

Q. Was any of the property of 544 used for that purpose, outside of money?

A. I will limit that to the same thing, while I was secretary-treasurer.

Q. Were any of the automobiles belonging to 544 used to visit Trotsky in Mexico, by members of 544?

A. Not while I was secretary-treasurer.

Q. Now, did your Over-the-road area, which you state covered eleven states, did that cover Mexico?

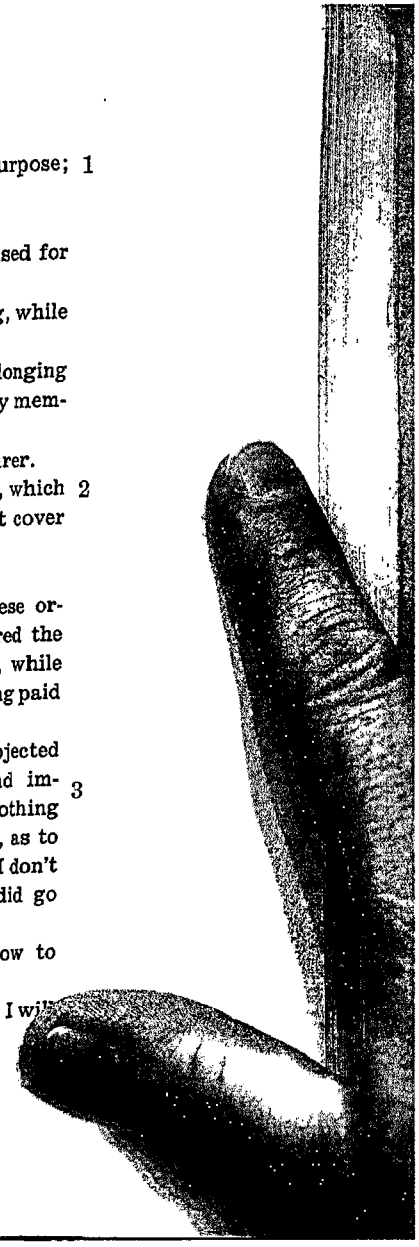
A. No, it did not.

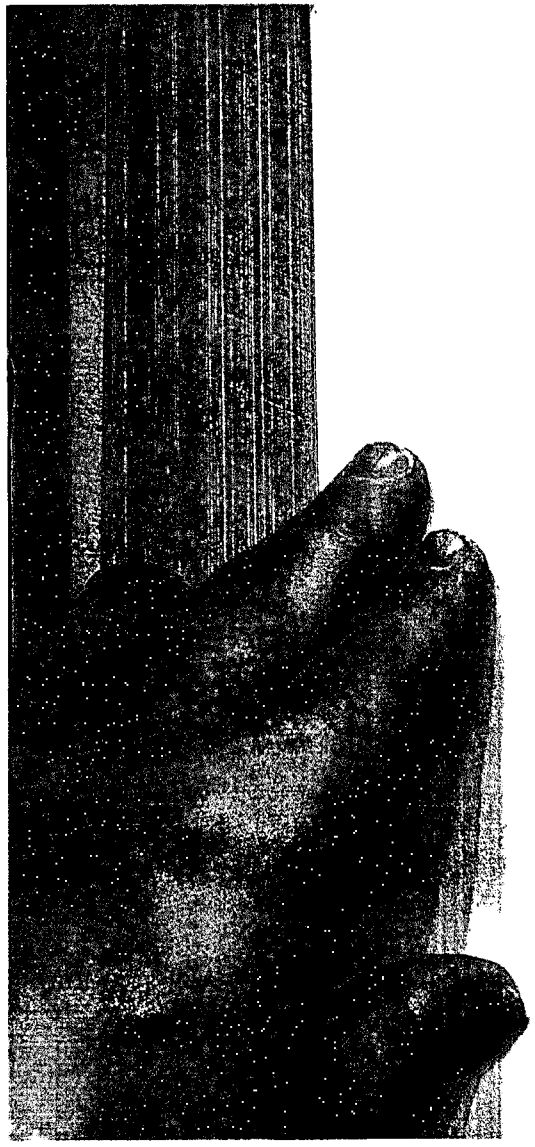
Q. Do you know whether any of these organizers you have spoken of, who covered the eleven states in the Over-the-road area, while they were out on business of 544, and being paid by 544, did visit Mexico?

Mr. Shama: Just a moment; that is objected to as incompetent and immaterial, and improper cross examination. There is nothing within this witness' knowledge, I take it, as to whether anybody went to Mexico or not. I don't think he would be responsible, if they did go to Mexico.

The Court: Aren't you telling him how to answer the question now?

Mr. Shama: Well, I don't so intend, but I will tell him to disregard what I said.





The Court: Well, I think it is within the general scope of proper cross examination, and the objection is overruled.

Q. (Read.)

A. No.

Q. You don't know?

A. I said no.

Q. You meant you don't know?

A. Yes, I didn't know.

Q. Now, when you were down in Washington, around the 3rd of June, appearing before Tobin, Tobin mentioned to you three men, Vincent Dunne, Ray Rainbolt and yourself, that 544 had on its payroll a man who was active in the Socialist Workers' Party, and believed in the overthrow of our government, didn't he?

A. Yes, and he named the man, V. R. Dunne.

Q. He named the man?

A. Yes.

Q. And that was true, wasn't it?

A. I couldn't say.

Q. You knew he was convicted of that, didn't you?

Mr. Shama: Just a moment. Come up here, Mr. Compton.

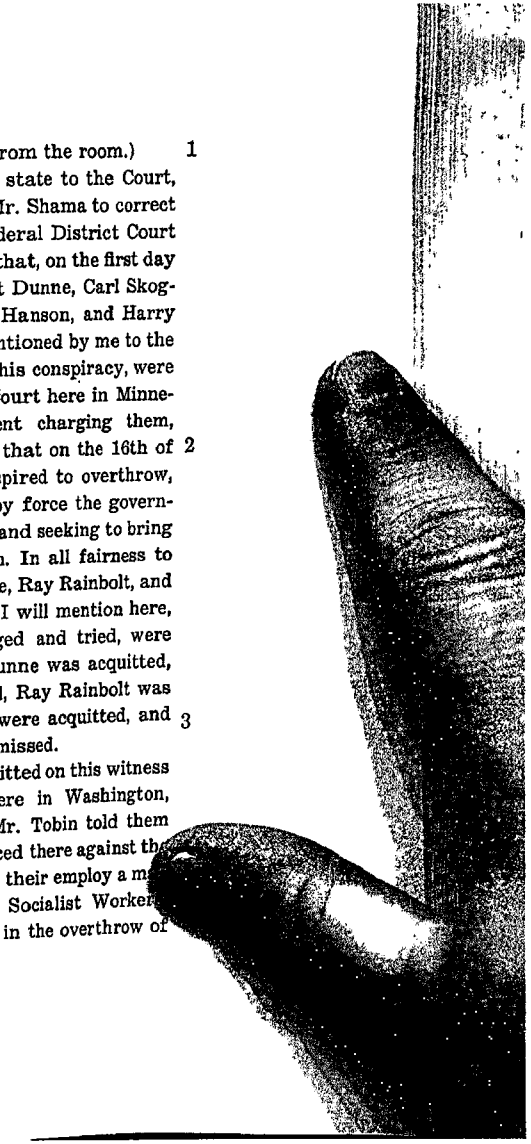
(Counsel have private conference with the Court.)

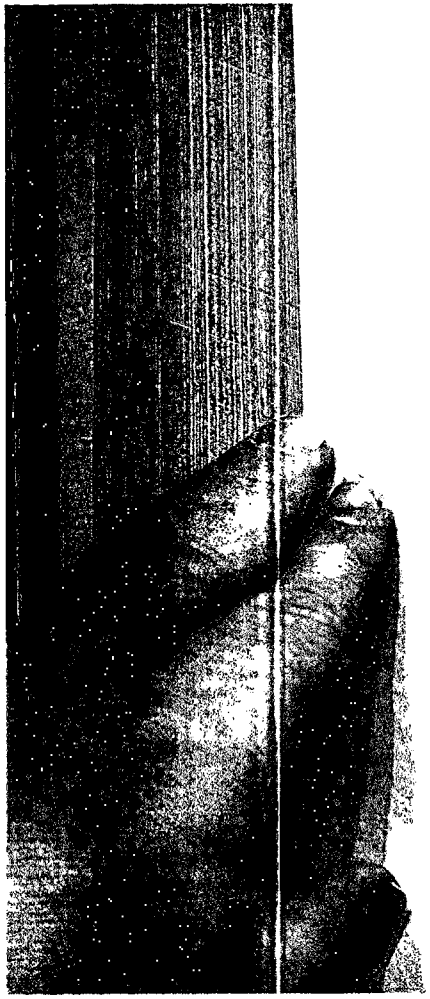
Mr. Shama: I ask the last be stricken and the jury be instructed to disregard that statement of counsel.

(The jury was excused from the room.)

Mr. Compton: I want to state to the Court, and if I am wrong I want Mr. Shama to correct me,—the record of the Federal District Court here in Minneapolis shows that, on the first day of December, 1941, Vincent Dunne, Carl Skoglund, Farrell Dobbs, Emil Hanson, and Harry DeBoer, who have been mentioned by me to the jury as being members of this conspiracy, were convicted in the Federal Court here in Minneapolis under an indictment charging them, among other things, with, that on the 16th of July, 1938, these men conspired to overthrow, to put down and destroy by force the government of the United States, and seeking to bring about an armed revolution. In all fairness to this defendant, Miles Dunne, Ray Rainbolt, and some of the others, whom I will mention here, those men although charged and tried, were found not guilty. Miles Dunne was acquitted, Kelly Postal was acquitted, Ray Rainbolt was acquitted; several others were acquitted, and some of the cases were dismissed.

Now, Mr. Postal has admitted on this witness stand that while they were in Washington, D. C., before Mr. Tobin, Mr. Tobin told them that one of the charges placed there against th union was that they had in their employ a m who was working in the Socialist Worker Party and that he believed in the overthrow of our government.





Now, I want the Court to bear in mind a principle of law which was established by our Supreme Court in a case which arose right in this court room, tried before your Honor, found in 209 Minnesota,—I don't remember the page, —State against Brown, wherein our Supreme Court held that where a person orally is charged with any offense which calls for a reply, that a failure to reply is equivalent to an admission of guilt. Now, this particular case called for a reply, because it appears from the testimony in this case of Kelly Postal, in his last trial, that Tobin told these men of the charges that had been preferred against them, and asked them what they had to say about it. That called for a reply. The testimony shows, from Mr. Brennan, and I think from Kelly Postal, that Kelly Postal said nothing; that Mr. Rainbolt said nothing; that Vincent Dunne replied that they would leave it to the discretion of Mr. Tobin; and there, we claim, is an admission on the part of these men as to the charges that had been preferred against them.

Now, then, I propose, if the Court permits me, to show that not only was Vincent Dunne one of these men, but that Carl Skoglund was one, Farrell Dobbs was one, Emil Hanson was one, Harry DeBoer, too,—all members of this conspiracy; and I propose, if the Court will permit me to show it, that each one of these men was convicted in Federal Court of exactly

that thing, or similar to it. It seems to me, it is competent; it was brought to the attention of this defendant.

The Court: Quite a number of legal propositions in that Brown case.

(Further argument by counsel.)

The Court: I am inclined to think that, in the spirit of fairness to all concerned, that the Court should sustain the objection. Objection sustained.

Mr. Compton: Now, may it please the Court, I would like to ask the Court, so we won't have any misunderstanding when the jury comes back, if the Court believes it proper that I should ask this witness if Carl Skoglund, Farrell Dobbs, Emil Hanson, and Harry DeBoer, to his knowledge, weren't members of the Socialist Workers' Party and believed in the overthrow of our government, and stop right there?

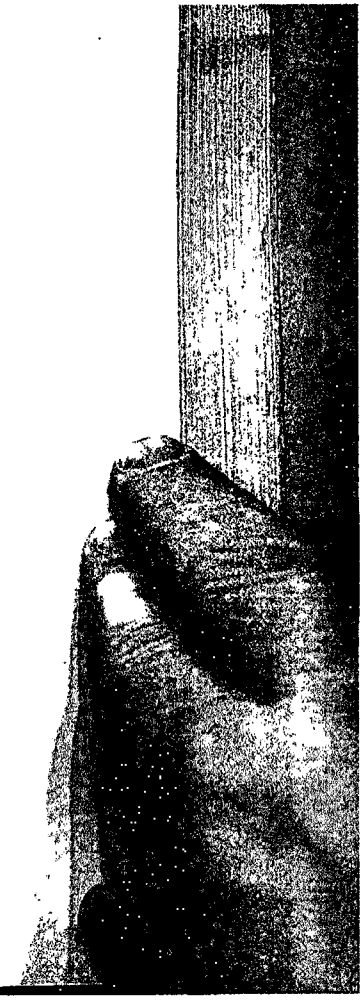
The Court: I will hear you on that, but I am inclined to think I will permit the question.

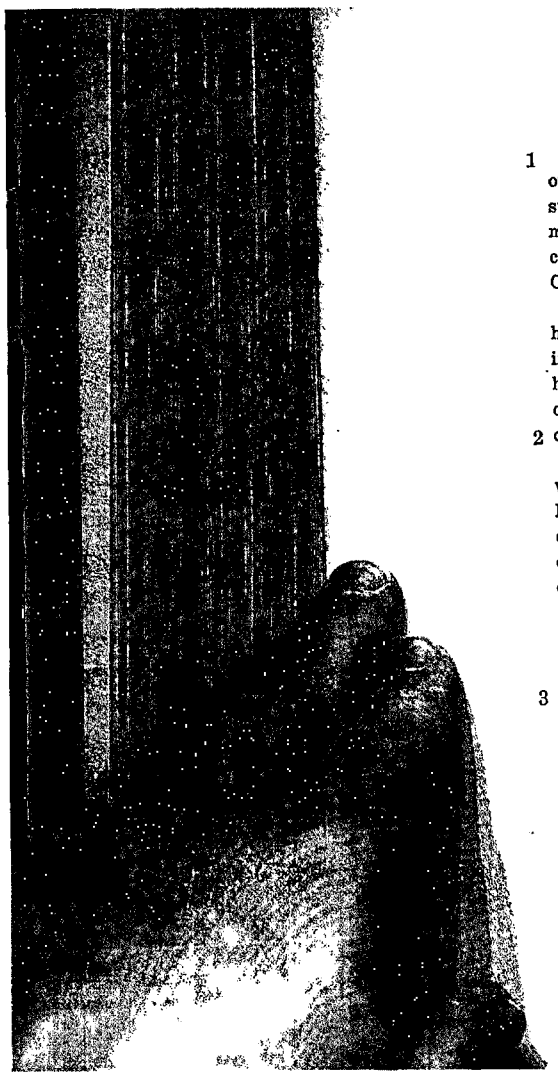
Mr. Shama: May the record show the defendant will object to it as irrelevant and immaterial, not proper cross examination, and then the Court overruling the objection, and may we have an exception in the record. Then go ahead and ask him.

The Court: That is an entirely different question from what we had up before.

(Recess.)

(The jury returned to the jury box.)





Mr. Compton: To see that nothing has been overlooked, I would like to have your Honor instruct the jury at this time to disregard any mention made in the question I asked, about conviction of any of these men in Federal Court.

The Court: After the conference the Court has held with counsel, I think it is proper to instruct the jury to disregard anything that has been said here about the conviction of any of these men so far as any Federal Court charge is concerned; just forget it, blot it out.

Q. (By Mr. Compton) To your knowledge, were either Farrell Dobbs, Carl Skoglund, Emil Hanson, or Harry DeBoer members of the Socialist Workers' Party or did they advocate the overthrow of our government? Answer yes or no.

A. I can't answer yes or no, because one—

Q. Answer it any way you want to.

A. I know V. R. Dunne and Farrell Dobbs were members; they told me that themselves.

Q. How about Carl Skoglund?

A. I would be unable to say.

Q. What?

A. I wouldn't know.

Q. Emil Hanson and Harry DeBoer?

A. I don't know.

Mr. Shama: That question was a kind of a double question, your Honor, and I would like to have it cleared up about their membership, please.

Mr. Compton: I think he has clearly answered it.

The Witness: I said I knew V. R. Dunne and Farrell Dobbs, they told me they were members.

Q. Were you a member?

A. No, sir.

Q. Now, do you know, or did you know, at the time of this meeting of June 9, 1941, whether Farrell Dobbs was a resident of the city of Minneapolis?

A. No, I don't think he lived in town.

Q. What?

A. I didn't think he lived in town; I knew he wasn't working in Minneapolis.

Q. Do you know whether, on June 9, 1941, he was secretary of the Socialist Workers' Party and resided in New York City?

A. No, I didn't.

Q. Did he tell you so?

A. No, he did not.

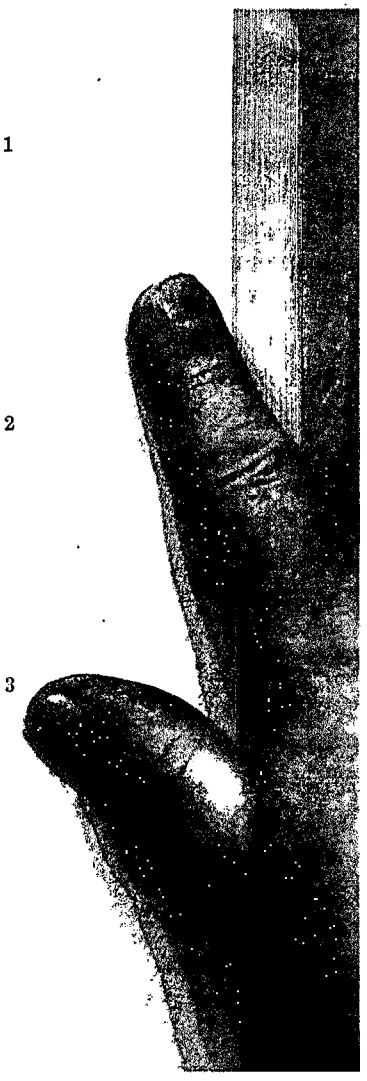
Q. Was he at that time working at the craft in Minneapolis?

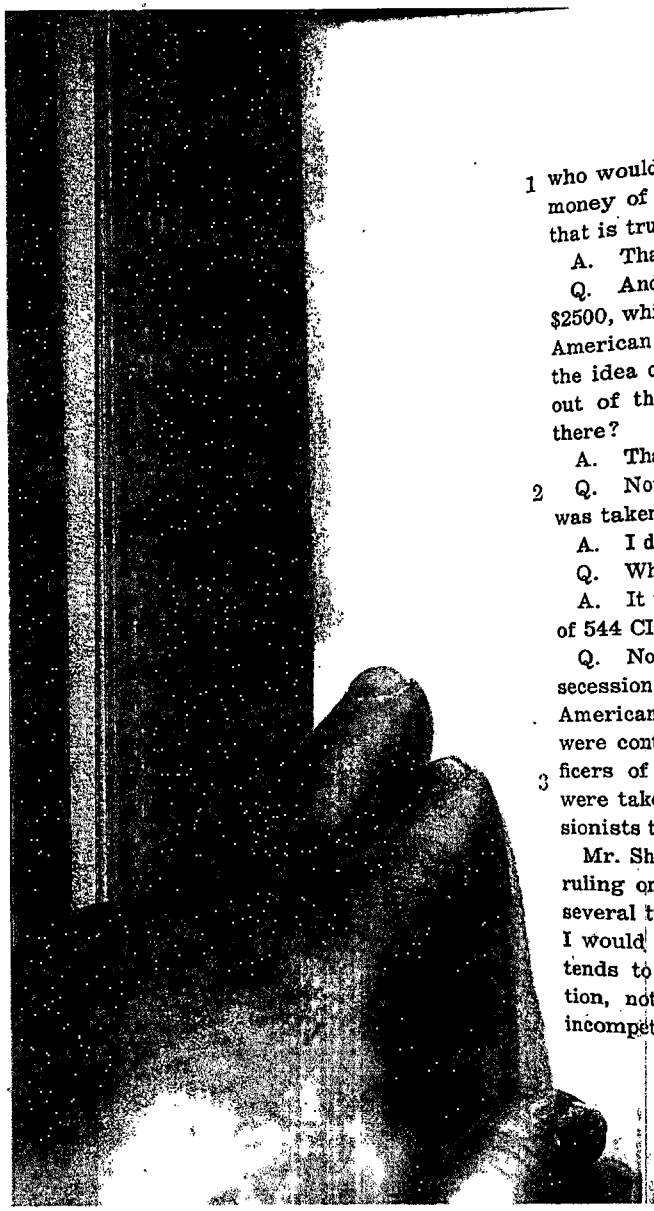
A. Not in Minneapolis.

Q. Or any other place?

A. That, I would be unable to say, but I did know he wasn't in Minneapolis.

Q. Now, one of the reasons that this money was taken out of the treasury of 544, American Federation of Labor, was that you were afraid that Tobin would send in a receiver or trustee





who would take possession of the property and money of 544, American Federation of Labor, that is true?

A. That was part of the reason.

Q. And when you wrote this check for $2500, which nearly finished the account of 544, American Federation of Labor, you did it with the idea of taking as much money as possible out of the bank and leaving very few funds there?

A. That's right.

Q. Now, do you know what this money that was taken was used for?

A. I do.

Q. What?

A. It was used for organizational expenses of 544 CIO.

Q. Now, do you know whether after this secession occurred, all of the contracts of 544, American Federation of Labor, at least they were contracts that had been signed by the officers of 544, American Federation of Labor, were taken by either you or some of the secessionists to CIO 544?

Mr. Shama: I am fully aware of the Court's ruling on this objection. The Court has ruled several times, but to protect the record again, I would like to object to this question which tends to prove some other crime or transaction, not connected with this indictment, as incompetent, irrelevant and immaterial, not

proper cross examination.

The Court: Objection overruled.

Mr. Shama: Exception.

A. Personally I thought it was, and they were taken as part of the property of the membership that voted to go CIO.

Q. Was part of the moneys which were taken used in an attempt to secure from the employers named in those contracts new contracts under 544 CIO?

A. It was.

Q. Did you succeed?

A. I can't think of the name of the outfit, but Blair's decision prevented it.

Q. He was Labor Conciliator?

A. Yes, he was Labor Conciliator.

Q. He held, did he not, that the barganing agent was 544, American Federation of Labor?

A. He ruled at that time, but that matter is up before Judge McNally, of St. Paul, now.

Q. Under writ of certiorari?

A. You would have to speak to the attorney.

Q. That is a bad name; I don't know whether I could spell it or not, but that is true, that is what he held?

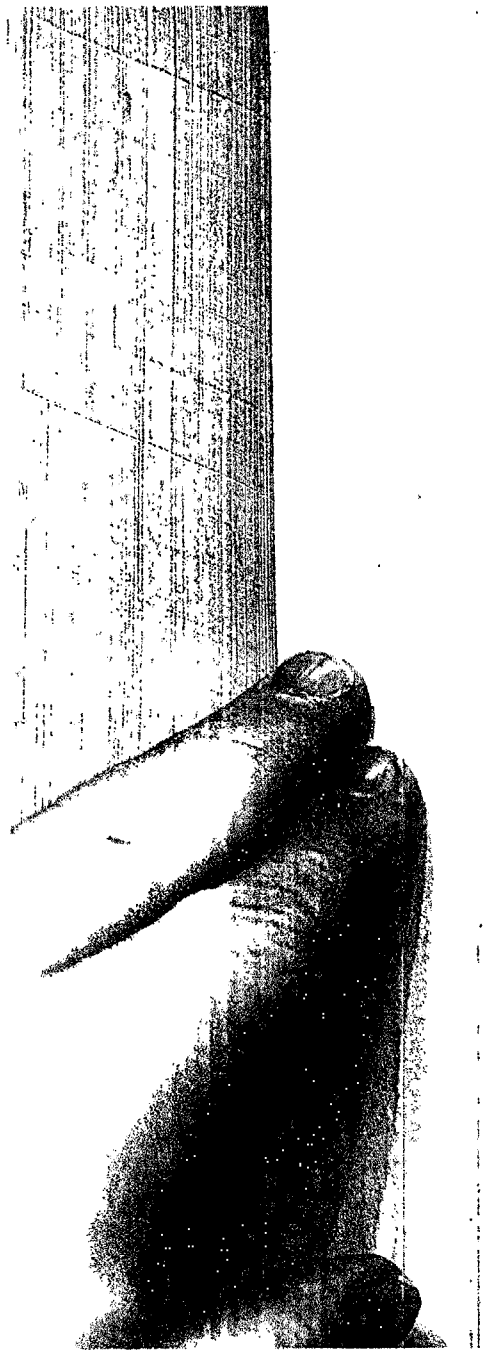
A. Yes.

Q. Were some of the moneys also used by the officers of 544 CIO for their salaries?

A. For the entire group, yes.

Q. That included you, did it not?

A. That included the Executive Board, and



at that time we hired, I don't know, maybe ten or twelve or fourteen more men, and included a janitor, and included two or three girls in the office; that is right, the salaries of that group was paid out of that.

Q. For how long a period of time did you, as secretary-treasurer of that new organization 544 CIO, collect your salaries out of these moneys?

A. Well, I would have to consult the record of Social Security, but I might be altogether mistaken—I think up around the 17th or 19th of July, somewheres in there approximately—5th of August, something like that; maybe longer, maybe less, that is something I wouldn't attempt to say.

Q. Do you know whether all of this money taken, I think you said around $12,000, has all been expended?

A. The last I talked to Rainbolt about it, or checked with Rainbolt, he had a few dollars left.

Q. Were any of these moneys used or expended for the conducting of the hearing before the State Labor Conciliator?

A. Well, that I would have to check, because we did do this, after we went CIO, we had negotiating committees, that is, for instance, in the transfer, like Nick Backert who testified here, he and another gentleman were taken off the job to negotiate transfer contracts, and we

paid them their wages while they were negotiating. I would have to check—possibly some was.

Q. How much of this money, if any, of this $12,000, went to any of the members of 544 CIO?

A. How do you mean, Mr. Compton?

The Court: Members who were not officers?

Mr. Compton: Yes.

Q. I understood you to say,—if you didn't say it, correct me, that this money was taken for the benefit of the members.

A. That's right, for organization purposes.

Q. How much of this money went to either members of 544, American Federation of Labor, or 544 CIO?

Mr. Shama: Just a moment; I am a little bit confused; I don't quite understand Mr. Compton's question. Do you mean to ask this witness how much money was actually given to the members or how much spent for their benefit?

Mr. Compton: I am asking how much was given them. It says here that whatever they took was for the benefit of the members.

Mr. Shama: If you understand the question absolutely—go ahead.

Mr. Compton: If you don't, say so.

The Witness: I don't understand it.

Q. I understood you to say,—if I am wrong, I want you to correct me,—that this $12,000 was taken for the benefit of the members, is that right?

A. That is right.

Q. Now, I am asking you what member or members, outside of the officers of 544, received any of this money either in salary or as a donation?

A. The entire sum was spent for the membership, for the benefit of the membership.

Q. Which consisted of you officers, isn't that right?

A. That is not correct.

Q. But you didn't pay any of it over to the members?

A. We never did when we were in the A. F. of L.; that money was used to maintain quarters, negotiate contracts for the membership—

Q. Oh, yes; now, when was the money paid over to pay for the six months rent of the CIO headquarters on Second Street?

A. I can't give you the date.

Q. When you left to go to Washington for this hearing of June 3rd, you left instructions with Mrs. Hanifan to issue a check to Moe Hork for $550, didn't you?

A. I wouldn't say that I left instructions to issue it for $550. I left instructions to give them the sum that they wanted.

Q. For what purpose?

A. For the purpose of hiring strike headquarters.

Q. And you, with Miles Dunne, signed this check, State's Exhibit B-13, before you left, didn't you?

A. Well, I signed it, and I guess she stamped Mickey's name on it afterwards.

Q. The signature M. B. Dunne was inserted a good many times by stamp, wasn't it?

A. That is correct.

Q. Now, you had an understanding between you and Dunne in the bank, that the bank would accept all checks stamped with Dunne's name?

A. That is correct.

Q. So Dunne had authorized you to stamp checks, when he wasn't present, that is correct? That is, with his signature?

A. Or Helen.

Q. Helen or you, either one?

A. Yes.

Q. But you did sign the check yourself?

A. Yes.

Q. Exhibit B-13?

A. I did.

Q. Was that name, Moe Hork, and the sum of $550 inserted after you had left Minneapolis to go—

A. Yes, that was inserted when Mr. Hork evidently came to get the money.

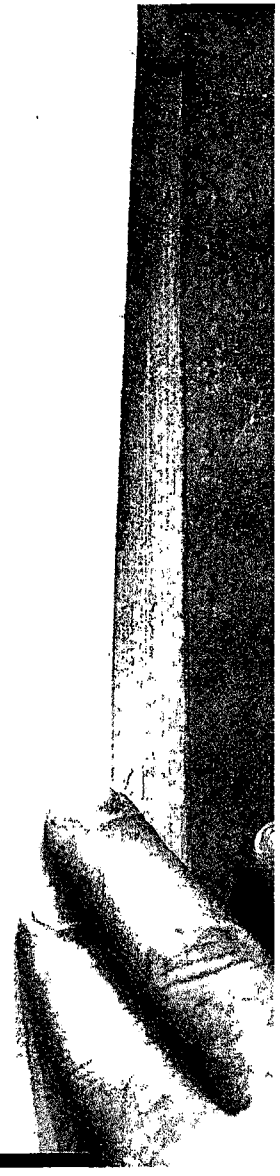
Q. But it was understood he was going to get enough money at least to pay six months rent for that place up on Second Street?

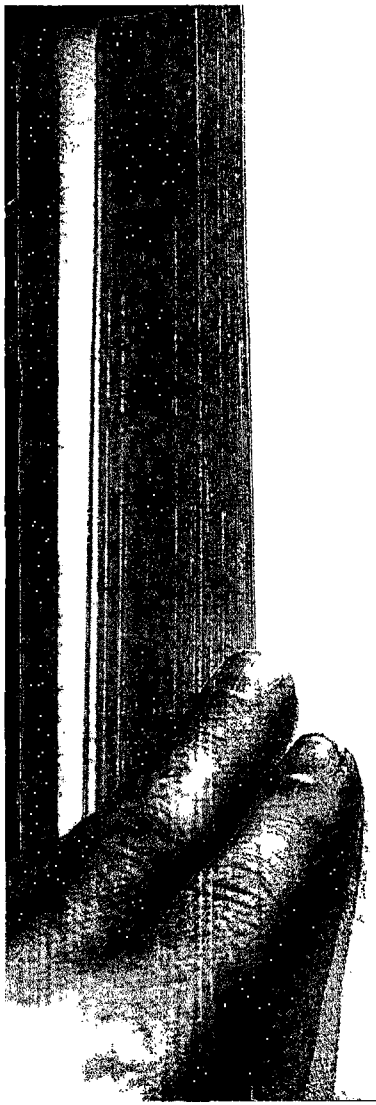
A. No, it wasn't.

Q. Well, that is what happened?

A. That is what happened.

Q. Now, there has been some testimony





here that it didn't take all of the $550 to pay the six months rent. Was part of it returned to 544, American Federation of Labor, is that right?

A. If I am not mistaken, out of that $550, I think they had telephones and electric lights installed and the juice turned on, and the balance was returned to Mrs. Hanifan.

Q. As part of the assets of 544, American Federation of Labor?

A. It was at that time.

Q. Did you take that balance when you left or did you keep it?

A. That was all part of the $12,000 that was taken.

Q. That was all part of the $12,000 that was taken, the balance of that—did you leave it there with 544, American Federation of Labor?

A. No, I suppose that was banked or kept as cash, and that was taken as the membership voted it should be.

Q. At any rate, whether you intended to open that place on Second Street as strike headquarters, evidently you used it until December 1, 1941, as headquarters for 544 CIO, didn't you?

A. We used it first as strike headquarters, for the furniture strike and then we kept it as headquarters for the CIO.

Q. Was that a very serious strike?

A. It didn't develop into one.

Q. Why did you need headquarters for a furniture strike?

A. We were instructed by a membership meeting, a special membership meeting, I think it was May 27th, to take the precautions, to do whatever we saw fit to make this series of negotiations that weren't getting over, so we rented strike headquarters.

Q. So it was the custom, whenever anything serious came up, for the membership to send out notices of special meetings, wasn't it, as shown in Defendant's Exhibit 12?

A. At times, it was.

Q. Now, you deemed it of enough importance, this refusal, as you said in direct examination, the employers not signing the contracts,—you deemed that of enough importance to call a special meeting of the membership to instruct the Executive Board as to what to do under the circumstances, is that right?

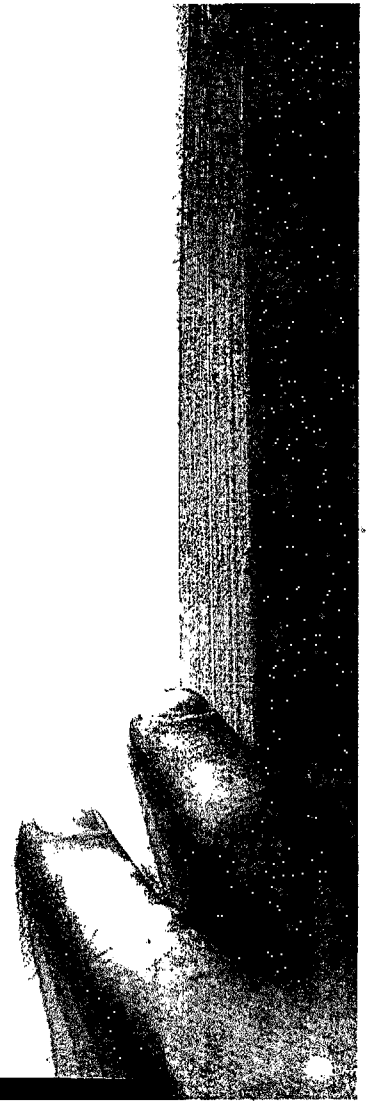
A. Yes and no.

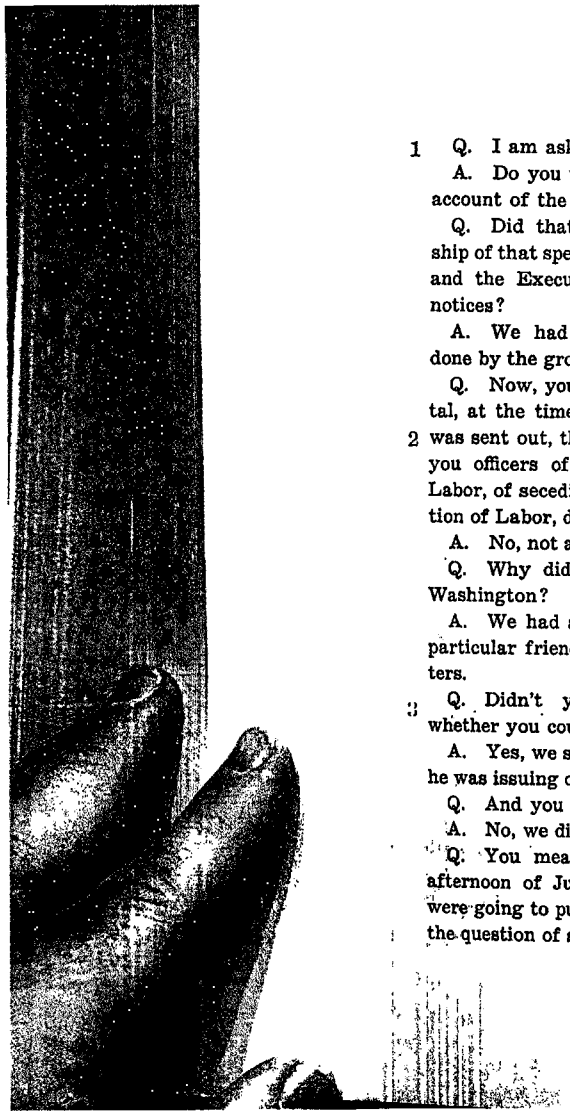
Q. Yes and no. How much yes and how much no?

A. Under the Labor Law, you have to give a ten-day strike notice. This June 9th meeting would have been too late.

Q. I am not asking about the June 9th meeting, I am asking about May, 1927.

A. I said yes and no, and you said what is yes and no, and I am answering.





Q. I am asking you to answer this—

A. Do you want—one particular reason, on account of the ten-day waiting period.

Q. Did that special meeting, the membership of that special meeting, instruct you people and the Executive Board to send out strike notices?

A. We had already done that; that was done by the groups.

Q. Now, you did know, didn't you, Mr. Postal, at the time this notice of special meeting was sent out, that there was talk among all of you officers of 544, American Federation of Labor, of seceding from 544, American Federation of Labor, didn't you?

A. No, not at that time.

Q. Why did you go to see Mr. Lewis in Washington?

A. We had a lot of friends, we had a very particular friend over at Mr. Lewis' headquarters.

Q. Didn't you talk with Lewis about whether you could get a charter from CIO?

A. Yes, we spoke to Mr. Lewis; we asked if he was issuing charters.

Q. And you contemplated then going over?

A. No, we didn't; it hadn't been decided.

Q. You mean to say it wasn't until the afternoon of June 9th, that you decided you were going to put up to the meeting that night the question of secession?

A. That is correct.

Q. You hadn't talked about it?

A. Oh, I don't say we hadn't talked about it; there were any number of members who had spoken about it dozens of times, from 1935 up to the present time. It came to a head the evening of June 9th.

Q. Is there anything in the by-laws, or was there anything in the by-laws, of 544, American Federation of Labor, or the constitution of the International, which provided the number of days required to give a notice of a special meeting?

A. There might be; I don't know.

Q. Why, Mr. Postal, was it when you men decided on the afternoon of June 9, 1941, that you were going to introduce motions to turn over this money and to secede, that you didn't send out immediately notice or notices to the membership of that proposition, and state in those notices what the meeting was called for?

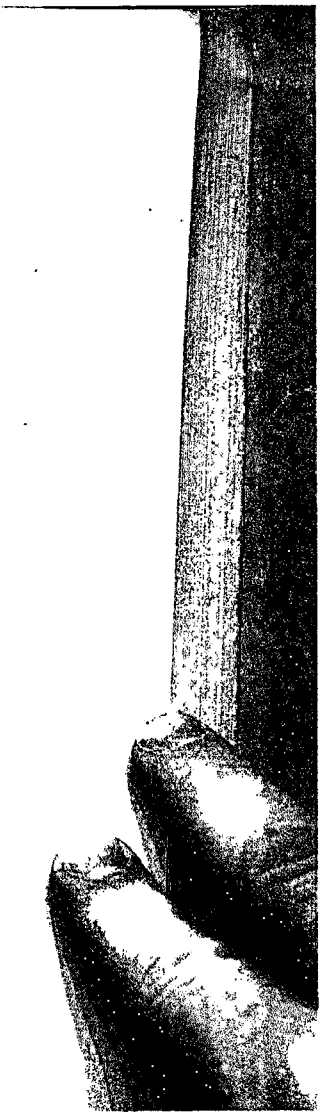
A. We didn't have time.

Q. You didn't have time, why?

A. In the first place it was a regular membership meeting, duly advertised as we had done for years.

Q. Couldn't you have sent notices of a membership meeting, and then put it up to a special meeting?

Mr. Shama: Just a moment; I object to that as argumentative, what they could or couldn't



have done is purely argumentative. I think he can ask his questions as to what this witness did and the times when those things were done.

The Court: Well, I think it is a legitimate inquiry to ask whether they could have done this, or put it over until the next regular meeting. I think that is what counsel has in mind. Objection overruled.

Mr. Shama: Exception.

A. I knew we would have a large crowd, an exceptionally large crowd, because there had been a lot of interest in the local going back from, I guess, I would say, from December of the previous year, and there was no necessity of calling a special meeting for it.

Q. Now, it is a fact, isn't it, Mr. Postal, that Tobin didn't send any trustee here to take charge of the affairs of 544, American Federation of Labor, until you men had taken all of the money and most of the property of 544, American Federation of Labor?

A. When we were in Washington—

Q. Just a moment. Answer my question.

A. I would be unable to say.

Q. You knew when Mr. Neal put in an appearance here, didn't you?

A. Well, Mr. Beck put in an early appearance.

Q. You knew when the trustee, Mr. Neal, put in an appearance, didn't you?

A. Personally—I knew he was in town, but

personally I didn't know what date.

Q. He didn't put in an appearance until you persons had taken this money and the contracts and other property of 544, did he?

A. Mr. Beck was in here before that.

Q. I am talking about the trustee.

A. I don't know to this day whether he is a trustee or not; I heard here that he was. Whether he was a trustee then or not, I don't know.

Q. The reason that you men put that up to the meeting of June 9th was that you were afraid that a trustee would come in here and take over that money for 544, American Federation of Labor, weren't you?

Mr. Shama: That is objected to as repetition.

The Court: It is repetition, but some repetition is permissible, as I have already intimated, on cross examination.

Mr. Shama: It occurs to me that about four a similar question was asked this witness.

The Court: I will overrule the objection.

A. I stated before that the reason why we took the money was on account of the fear of a trustee being appointed. This was entrusted to us by the membership.

Mr. Compton: May that last part be stricken.

The Court: No, I think that may stand as part of the answer. He has already testified to that part.

Q. All right. This money that was on de-

posit, or should have been on deposit, I will say, in the North American branch of the Northwestern National Bank, was there for the benefit, as you claim, of the membership, is that right?

A. That is right.

Q. Now, this money that you turned over to Mr. Conder, this $5,000, you turned over to him with instructions, didn't you, to place it in a safety deposit box?

A. I did not.

Q. State whether or not that money was taken to the North American branch of the Northwestern National Bank by Mr. Conder, with a request that it be placed in the safety deposit box to the credit of 544, American Federation of Labor.

A. I wouldn't know; I have no way of knowing.

Q. At any rate, when you got that money from Conder back, it was the same money that you had delivered to Conder, wasn't it?

A. I believe so, because I delivered it to him in currency, and it hadn't been disturbed.

Q. I presume you had confidence in Mr. Larry Davidson?

A. Yes, I have known Larry a long time.

Q. And did you, when Mr. Davidson was being cross examined by Mr. Shama, tell Mr. Shama that Davidson had been convicted of a crime?

Mr. Shama: Don't answer that. I object to that, on the ground that anything this witness told me is confidential and not subject to inquiry by Mr. Compton, and I ask that that question be stricken and the jury instructed to disregard the statement of counsel.

The Court: I think I will sustain the objection.

Q. It was the custom, wasn't it, one of the rules of Local 544 that at each meeting the secretary-treasurer report to the members the financial condition of the local?

A. Well, it wasn't the duty of the financial secretary — they had a Board of Trustees. Generally one of the trustees or me would do it,—it was a 50-50 proposition in making the report.

Q. Now, on the night of the meeting of June 9th, did you or anyone else report to this general membership meeting that the Executive Board had instructed you to withhold from deposits all money coming into the local?

A. No, the meeting never got that far.

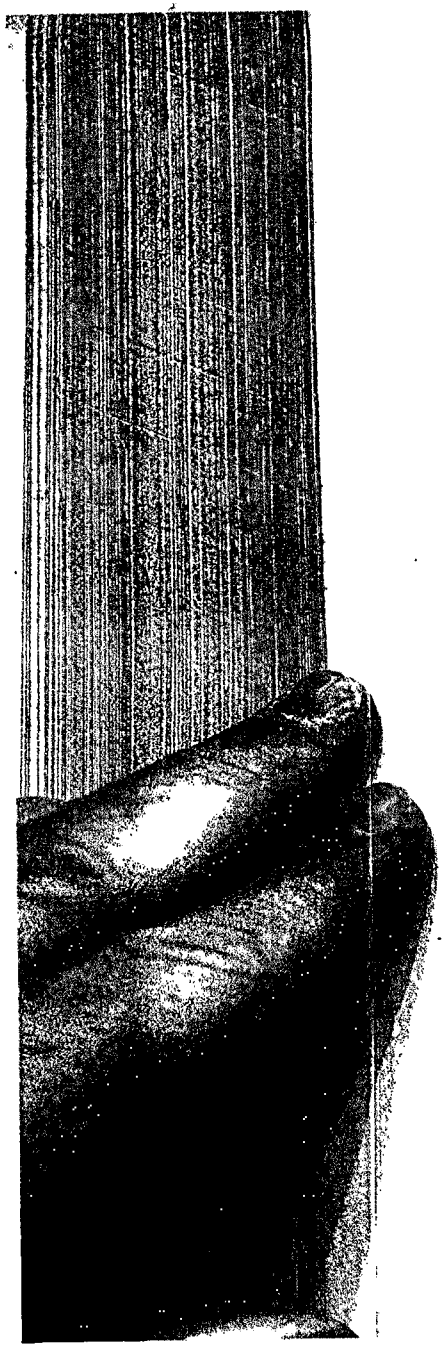
Q. The meeting never got that far; it adjourned hastily, did it?

A. No, it did not.

Q. What?

A. No, it did not.

Q. There was quite a commotion in the hall, wasn't there, after the vote was declared carried to go CIO?



A. After the vote was carried, a banner was displayed, and the crowd got milling around to some extent, and made some commotion, and there was a motion made from the floor to adjourn the meeting, and so it adjourned.

Q. But not very hurriedly?

A. No, I would say not.

Q. By the way, do you know how long they had had that CIO banner which they displayed that night after the meeting?

A. To be frank with you, I don't know anything about it; it was the first time I saw it.

Q. Did you see any CIO buttons appear there after that meeting, within a day or two?

A. Within—not that evening—but, I would say, within three days following, possibly.

Q. Do you know ordinarily how long it takes to make those buttons?

A. I have no way of knowing.

Q. Well, how long does it take to make a sign like that CIO sign?

A. I have no way of knowing.

Q. Was that a painted sign?

A. It was on a long narrow canvas.

Q. Was it paint—painted?

A. I suppose it was painted.

Q. It at least wasn't wet, so it would spread over everything?

A. I guess not.

Q. It didn't look like a sign that had been painted in the afternoon or had been painted that day?

A. I am no judge of painting.

Q. I will ask if, at the last trial, you didn't testify to this, "Some time after the vote to go CIO, there was quite a commotion; somebody on the floor made a motion to adjourn the meeting, and the meeting was adjourned"?

A. I just read that; I just said that.

Q. Now, at that special meeting of May 27th, did you or anyone else at that meeting report to the members at that meeting that the Executive Board had instructed you to withhold all moneys coming into that union and not to deposit it in the bank?

A. No, not that I remember. That was a specially called meeting with one order of business only.

Q. One order of business. But at a general meeting, what order of business?

A. Well, reports of committees, financial reports, new business, at regular meetings.

Q. Tell me what business was transacted on the night of June 9th, except a vote taken to turn all money over to Ray Rainbolt and Hagstrom, and a vote to secede,—any other business transacted?

A. No, if my memory serves me right,—I may be wrong on this,—but I think the meeting opened up by the chairman announcing that they would take up first a special order of business. I think that is the way the meeting opened up; and after the votes, everybody got milling

around, one thing and another, and somebody from the floor made a motion to adjourn the meeting, and it was adjourned. I am very sure of it.

Q. Was the special order of business a talk by Farrell Dobbs?

A. No.

Q. Well, he did talk, didn't he?

A. Yes, Farrell talked.

Q. Now, these strike notices that you speak of which were filed, were filed for the purpose of complying with the state law, and not for the purpose of calling strikes, that is true, isn't it?

A. Well, that was — I don't know how I could explain that, it would take a little while to explain it.

Q. Maybe I can explain it for you.

Mr. Shama: I submit the witness should be permitted to answer the question.

Mr. Compton: Just a minute; I said I could explain it.

Mr. Shama: I still submit that the witness should be given an opportunity to answer the question.

Mr. Compton: Just a moment—

The Court: Well, we will wait and see what Mr. Compton has.

Q. I will ask you if, at the last trial, I asked you this question: "Question—I presume when those notices were filed, it wasn't with the intention of eventually calling a strike, but

with the intention of complying with the state law, so that if a strike was necessary, it would be called, is that right?"

A. Yes.

Q. Did you answer, "That is correct"?

A. That is correct.

Q. So we don't need any further explanation.

A. (No answer.)

Q. Now, Larry Davidson, after you had talked with him, after you and Miles Dunne had talked with him, gave you this note, didn't he, Defendant's Exhibit B-4, to hand to Conder, when you took the money?

A. That is correct; that is Davidson's writing, I believe.

Q. You knew, when you took that money and gave it to Conder, it was for the purpose of Conder taking that money and putting it in a safety deposit box in the bank, didn't you?

A. No.

Q. Did you read this notation?

A. I read that note.

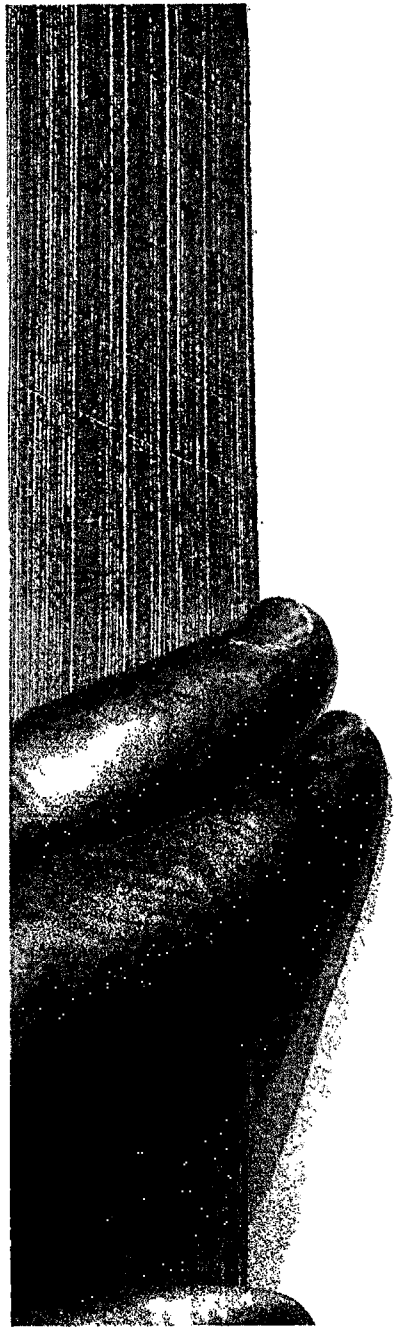
Q. It reads, "Jon, the money that 544 will give you, put in a deposit box in the bank and give 544 a receipt for same, signed Larry." You knew that, didn't you?

Mr. Shama: Knew what? The note said that.

Mr. Compton: Yes.

A. I knew what the note said.

Q. You knew that was true?



A. If he had given me the same amount, I would have given him the note to deliver to Helen. I didn't tell Helen what our business was, neither did I tell Jon, he was a bookkeeper.

Q. The question, that was the purpose of turning the money over?

A. The purpose was an organization loan to 977; it wasn't a loan to Larry Davidson.

Q. Wasn't the understanding between you and Miles Dunne and Larry Davidson that you would carry that money to Jon Conder and that Conder was to put it in the bank in a safety deposit box?

A. It wasn't.

Mr. Compton: That is all.

RE-DIRECT EXAMINATION.

By Mr. Shama:

Q. Mr. Postal, there has been some question asked you here by Mr. Compton about Farrell Dobbs' membership. Did you have some talk with Daniel Tobin in Chicago about Farrell Dobbs?

Mr. Compton: He didn't talk with Tobin in Chicago.

Mr. Shama: I mean Washington.

A. Yes.

Q. What was the conversation in regard to Farrell Dobbs' membership in 544, what did Tobin say?

A. Can I say why I asked Tobin?

Q. If you like to, go ahead.

A. When we had this meeting in Chicago with Gillespie, secretary-treasurer, why, he asked me if Dobbs was still a member of 544. I told him, yes, that he was, that he paid his dues up for a year in advance, and he just had six months dues at that time, and he said, "Well, I don't know whether it is right or not; you better see or ask Tobin when you go to Washington." So when we was in the second meeting, with Tobin, I remarked—I asked Tobin if he knew if Farrell was a member, and he said, yes, he had given Farrell permission to retain his membership in Local 544.

Q. Now, Mr. Postal, Mr. Compton also asked you about strike notices. The strike notices were filed for the various industries and sections, were they not?

A. Yes—well, I don't really get what you mean.

Q. I mean this—if the question of filing a strike notice or negotiations concerning one, let's say the wholesale grocers, that matter would be taken up at a wholesle grocery meeting, would it not?

A. Yes.

Q. And those strike notices or negotiations which concerned the furniture section, would be taken up with only the furniture section meeting?

A. That is right.

Q. And didn't concern the whole general

membership—they weren't concerned with the problems of the various sections in regard to negotiations and strike notices?

A. No, each one was separate, each industry.

Q. Now, Mr. Compton also asked you this question,—and, Mr. Compton, if I misquote you, please correct me, because I want to state the question asked as nearly as possible in the same words,—that is, if Vince Dunne, V. R. Dunne, Harry DeBoer, hadn't told you that they were members of the Socialist Workers' Party and believed in the overthrow of the government? Is that your question, substantially?

Mr. Compton: I think you are mistaken. I said Farrell Dobbs.

Mr. Shama: Excuse me, Farrell Dobbs and Vince Dunne. Is that correct?

Mr. Compton: Yes.

Q. And you answered, "Yes, they had told you they were members"?

A. That is correct.

Q. Did they tell you they believed in the overthrow of the government?

A. No, I won't say that. I asked whether they were members of the Socialist Workers' Party, the same as anybody gets talking about politics, and they both said they were.

Q. Now, there was also some reference to Mr. Blair and the Blair hearing.

Mr. Shama: It is hereby stipulated and

agreed between the State of Minnesota and this defendant that subsequent to the 9th day of June, 1941, several petitions for elections and certifications were filed before Alfred P. Blair, then State Labor Conciliator of the State of Minnesota; that hearings were had during the summer of 1941, and that in September, I think it was the 18th, but I may be wrong on that date,—that about September 18, 1941, Mr. Blair made his order, as State Labor Conciliator, certifying 544, A. F. of L. as the exclusive bargaining agent for the truck drivers industry in the city of Minneapolis, and the suburban areas surrounding the city of Minneapolis. 544 CIO then sued out in the District Court of Ramsey County a writ of certiorari to review the ruling and order of said Labor Conciliator; that that matter is pending in the District Court of Ramsey County and has not been determined by that Court; that the writ of certiorari was sued out in the District Court of Ramsey County, because it involved a state official, and the District Court of Ramsey County would have jurisdiction.

Mr. Compton: That is right.

Mr. Shama: That is all.

RE-CROSS EXAMINATION.

By Mr. Compton:

Q. When you were talking with Daniel Tobin, in Washington, about Farrell Dobbs, did you tell Mr. Tobin that Farrell Dobbs was a

member of the Socialist Workers' Party?

A. Not to my knowledge; I don't think that that was mentioned.

Q. Why didn't you, when you talked about his membership in 544?

A. Well, it might take a couple of minutes to do it, but Mr. Tobin said that he was very much pleased with Dobbs and said that he wanted Dobbs to remain as an International organizer, but he said Dobbs, being a young fellow, was a little headstrong and he wanted to go out and try to play the world a little bit for himself, and he told us down there he understood Dobbs had a job with a political party.

Q. You knew it was the Socialist Workers' Party, didn't you?

A. I just said I knew both Dobbs—

Q. You knew he was secretary of the National Socialist Party?

A. By Tobin's conversation, he knew the same thing.

Q. You think Tobin knew it?

A. I didn't know—

Mr. Shama: Did Tobin ever tell you that?

The Witness: He told us he went to take a job with a political party.

Q. You say that he at least criticized 544, American Federation of Labor for having in its employ a man whom he named as Vince Dunne, as a member of the Socialist Workers' Party, yet you at least intimate—I don't know

whether you intended to intimate—that he said it was all right for Farrell Dobbs to be.

A. That is exactly what I mean.

Q. It was wrong for Vincent Dunne to belong, but not Farrell Dobbs?

A. Must have been.

Q. Did you know where the headquarters of the Socialist Workers' Party was in Minneapolis?

A. Yes.

Q. 919 Marquette?

A. Yes.

Q. You were one of the men, weren't you, Mr. Postal, named in the charter granted to 544 CIO?

A. Yes, one of them.

Q. And it was at your request, wasn't it?

A. What do you mean, at my request, the charter, or my name being on there, or what?

Mr. Shama: Just a minute; I object to all this, on the ground that it is improper recross examination.

Mr. Compton: It is cross examination that I neglected to ask before.

The Court: Well, you may do that.

Q. Showing you State's Exhibit B-7, did you send that telegram?

Mr. Shama: Now, wait a minute; I don't recall that any B-7 was marked in this case.

Mr. Compton: It was marked in the last case, and I am asking—